

Council Minutes Index – 30 April 2020

Subject	Page No
Acknowledgment of Country	3
Attendance, Apologies & Leave of Absence	3
Attendance of Gallery	3
Response to Previous Questions Taken on Notice	3
Public Question Time	3
Petitions/Deputations/Presentations	4
Comment on Agenda Items by Parties with an Interest	4
Applications for Leave of Absence	4
Confirmation of Minutes	4
C.01/0420 Ordinary Meeting held 26 March 2020.....	4
C.02/0420 Special Meeting held 6 April 2020	4
Announcements by the Presiding Member without Discussion	5
Notification of Disclosure of Interest	5
Questions on Agenda Items by Elected Members	5
Consideration of Motions of which Previous Notice Has Been Given	5
Reports of Officers	5
CEO's Office	6
C.03/0420 Draft 'Councillor Training/Conferences and Continuing Professional Development' Policy.....	6
C.04/0420 Draft 'Attendance at Events and Functions' Policy	9
C.05/0420 Participation in National Redress Scheme.....	11
C.06/0420 Amendments to COVID-19 Community Response Plan and 2020/21 Budget Framework.....	19
C.07/0420 Disposal of Catterick Hall.....	23
C.08/0420 Rolling Action Sheet	27
Corporate Services	28
C.09/0420 Information Statement.....	28
C.10/0420 COVID-19 Financial Hardship Policy	31
C.11/0420 Short Term Lending Facility & Corporate Credit Card Program.....	33
C.12/0420 March 2020 Financial Activity Statements and List of Accounts Paid in March 2020	39
Development & Infrastructure	41
C.13/0420 Proposed Overheight Earthworks (Policy Variation)	41
C.14/0420 Application for Retrospective Approval for Ancillary Accommodation (Conversion of Shed)	49
C.15/0420 Application for Retrospective Approval for Two Water Tanks58 (Setback Variations).....	66
C.16/0420 Amended Relocatable Storage Units Policy	73
Community Services	73
C.17/0420 Blackwood River Foreshore Development.....	73
Receival of Minutes of Management Committees	77
Urgent Business Approved By Decision	77

Responses to Elected Member Questions Taken on Notice	77
Elected Members Questions With Notice.....	77
Notice of Motions for Consideration at the Next Meeting.....	77
Matters Behind Closed Doors	77
Closure	77
List of Attachments.....	77

unconfirmed minutes

Minutes of an Ordinary Meeting of Council held at 5.30pm on Thursday 30 April 2020. In response to COVID-19 social distancing requirements, the Council Meeting was attended remotely (electronically) by Councillors and Shire staff.

The Presiding Member opened the Meeting at 5.30pm

Acknowledgment of Country – Presiding Member

On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional Custodians of the land on which we are gathered, and pay my respects to their Elders past, present and emerging.

Attendance, Apologies and Leave of Absence

President	- Cr J Nicholas
Councillors	- J Bookless - J Boyle - B Johnson - J Moore - J Mountford - A Pratico - P Quinby - A Wilson
In Attendance	- T Clynch, Chief Executive Officer - M Larkworthy, Executive Manager Corporate Services - E Denniss, Executive Manager Community Services - G Arlandoo, Executive Manager Development & Infrastructure - D Wilson, Corporate Services Coordinator

Attendance of Gallery - Nil

Responses to Previous Questions Taken on Notice - Nil

Public Question Time

Note: Members of the public were unable to attend the meeting in-person. However members of the public were able to submit public questions for the Council Meeting.

Public questions were to be submitted by email to btshire@bridgetown.wa.gov.au before 2pm on Thursday 30 April 2020. One question was received.

H Mildenhall

Could the Shire please continue its current funding of the Catterick Progress Association and/or the Catterick Hall until a service management order can be out in place.

Response - Council has included funds in its 2019/20 budget to cover electricity accounts at Catterick Hall. Part of the officer recommendation at tonight meeting for item C.07/0420 is for council to consider any contributions towards building operation

costs, such as electricity, when assessing 2020/21 Community Grants, Service Agreements and other donations. This is scheduled to occur in May/June so a decision will have been made prior to June 2020.

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest

Note: Members of the public were unable to attend the meeting in-person. However members of the public were able to submit comments on agenda items for the Council Meeting. Two comments were received.

M Maher – C.13/0420 – Proposed Overheight Earthworks (Policy Variation)
Ms Maher provided comments in support of the officer recommendation

J Codde – C.15/0420 - Application for Retrospective Approval for Two Water Tanks (Setback Variations)
Mr Codde provided comments in support of the officer recommendation

Applications for Leave of Absence - Nil

Confirmation of Minutes

C.01/0320 Ordinary Meeting held 26 March 2020

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 26 March 2020 as a true and correct record.

Council Decision *Moved Cr Moore, Seconded Cr Wilson*

C.01/0420 *That the Minutes of the Ordinary Meeting of Council held 26 March 2020 be confirmed as a true and correct record.*

Carried 9/0

C.02/0320 Special Meeting held 6 April 2020

Attachment 1

A Motion is required to confirm the Minutes of the Special Meeting of Council held 6 April 2020 as a true and correct record.

Council Decision *Moved Cr Pratico, Seconded Cr Wilson*

C.02/0420 *That the Minutes of the Special Meeting of Council held 6 April 2020 be confirmed as a true and correct record.*

Carried 9/0

Announcements by the Presiding Member Without Discussion

It has been a very busy period for the Shire with an inundation of Covid-19 related information being received from WALGA, the Minister for Local Government and other agencies. Included in this are some recent changes to the Local Government Regulations as well as some recent proposals announced by the Minister with respect to removal of rate penalty interest, that could impact on the community response plan endorsed by council earlier this month.

Notification of Disclosure of Interest

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allows a Member to speak, the extent of the interest must also be stated.

Name	Cr Pratico
Type of Interest	Impartiality
Item No.	C.07/0420
Nature of Interest	Member of Catterick Progress Association

Questions on Agenda Items by Elected Members - Nil

Consideration of Motions of which Previous Notice has been Given - Nil

Reports of Officers

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Corporate Services
- Development & Infrastructure
- Community Services

CEO's Office

ITEM NO.	C.03/0420	FILE REF.	
SUBJECT	Draft 'Councillor Training/Conferences and Continuing Professional Development' Policy		
OFFICER	Chief Executive Officer		
DATE OF REPORT	15 April 2020		

Attachment 2 Draft 'Councillor Training/Conferences and Continuing Professional Development' Policy

OFFICER RECOMMENDATION

That Council adopt the revised 'Councillor Training/Conferences and Continuing Professional Development' Policy as shown in Attachment 2 as a replacement for existing Policy M.3 – 'Conference Attendance & Training'.

Summary/Purpose

A draft 'Councillor Training/Conferences and Continuing Professional Development' Policy has been prepared for Council consideration.

Background

On 20 October 2019, the legislative changes contained within the *Local Government Legislation Amendment Act 2019* (the Amendment Act) came into operation across Western Australia.

As a result, councillors are now required to undertake universal training in accordance with the newly introduced sections 5.126, 5.127 and 5.128 of the *Local Government Act 1995* (the Act). This reform is key to providing councillors with the skills and knowledge to perform their role as leaders in their district.

With the introduction of the Amendment Act, Local Governments across Western Australia have received notification from the Department of Local Government, Sport and Cultural Industries (DLGSCI) to prepare and adopt a "Continuing Professional Development" policy that relates to the training of councillors. The rationale for the introduction of this policy is that it is recognised that councillors:

- have a unique and challenging role;
- oversee multi-million dollar budgets and make difficult decisions that impact the well-being of communities;
- unlike board members, are not selected for the role based on their knowledge and experience, but on their leadership and willingness to contribute to the community;
- once elected, are required to make decisions on matters as diverse as planning applications, budgeting, rates, support for community organisations, long term planning for the district and the recruitment of and employment relationship with the Chief Executive Officer (CEO); and
- are also expected to understand and comply with meeting procedures, conflicts of interest and codes of conduct.

Officer Comment

The draft Policy has been prepared in light of the changes brought about by the *Local Government Legislation Amendment Act 2019*, and is now a legislative compliance requirement for local government. It is recommended that Council adopt the Policy.

The new policy retains the ‘expenditure limitations’ contained in the existing Policy M.3 with these limitations also applicable staff conferences and training.

Statutory Environment

Local Government Act 1995

Section 5.128 of the Act specifies that:

- “(1) A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.
* Absolute majority required.*
- (2) A local government may amend* the policy.
* Absolute majority required.*
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) The CEO must publish an up-to-date version of the policy on the local government’s official website.*
- (5) A local government —
 - (a) must review the policy after each ordinary election; and*
 - (b) may review the policy at any other time.”**

Integrated Planning

- Strategic Community Plan
Key Goal 5 - Our leadership will be visionary, collaborative and accountable
Objective 5.2 - We maintain high standards of governance, accountability and transparency
Strategy 5.2.1 - Councillors provide strong and ethical leadership
Strategy 5.2.8 - Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan – Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy Implications

The proposal recommends establishment of a new policy, consistent with the intent of the legalisation.

Budget Implications

The draft policy will cause an increase of \$1,500 per annum to the 2019/20 councillor training and conferences budget allocations – see below.

The draft policy proposes 3 separate training/conference/professional development streams for councillors:

- councillor compulsory training
- continuing professional development (voluntary training and conferences)
- annual Local Government Convention (WALGA)

In its 2019/20 budget Council allocated the sum of \$5,000 for compulsory training and the unspent portion of this is proposed to be carried forward to the 2020/21 budget to enable councillors elected in 2019 to complete the modules within 12 months of election. This amount will be budgeted bi-annually to coincide with ordinary local government elections.

Providing for three councillors to attend the annual Local Government Convention incurs costs of approximately \$5,000 which was the amount budgeted in 2019/20.

The draft policy proposes an annual continuing professional development allocation of \$2,000 for the Shire President, \$1,500 for the Deputy Shire President and \$1,000 for other councillors. In the 2019/20 budget an amount of \$1,000 per councillor for conferences and training was budgeted therefore this proposal will result in an increase of \$1,500 per annum due to the higher allocations for the President and Deputy President.

It is noted that the 2020 Local Government Convention won't be held due to COVID-19 therefore this will result in some savings in 2020/21.

Whole of Life Accounting - Nil

Risk Management

Failure to adopt the policy by Absolute Majority will place Council in breach of the amended *Local Government Act 1995*.

Voting Requirements – Absolute Majority

**Council Decision Moved Cr Wilson, Seconded Cr Pratico
C.03/0420 That Council adopt the revised 'Councillor Training/Conferences and Continuing Professional Development' Policy as shown in Attachment 2 as a replacement for existing Policy M.3 – 'Conference Attendance & Training'.**

Absolute Majority 9/0

ITEM NO.	C.04/0420	FILE REF.	
SUBJECT	Draft 'Attendance at Events and Functions' Policy		
OFFICER	Chief Executive Officer		
DATE OF REPORT	14 April 2020		

- Attachment 3 Local Government Operational Guideline – Attendance at Events Policy (December 2019)
- Attachment 4 Draft 'Attendance at Events and Functions' Policy

OFFICER RECOMMENDATION

That Council adopt the 'Attendance at Events and Functions' Policy as shown in Attachment 4.

Summary/Purpose

With the introduction of the Amendment Act, Local Governments across Western Australia have received notification from the Department of Local Government, Sport and Cultural Industries (DLGSCI) to prepare and adopt an "Attendance at Events" policy that relates to the attendance of Elected Members and Chief Executive Officers' (CEO) at events such as concerts, conferences and functions as a representative of Council.

Background

Refer Attachment 1 for 'Local Government Operational Guideline – Attendance at Events Policy' that sets out the background and justification for the proposed policy.

To meet legislative requirements a draft Policy has been prepared for Council's consideration with a view to adoption. In addition to councillors and the CEO the draft policy also covers attendance at events by employees.

Officer Comment

The Attendance at Events policy is to enable Council members to attend events as a representative of Council without restricting their ability to participate in Council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before the Council from the provider of the invitation.

The draft policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government.

The majority of events that councillors, the CEO or employees at the Shire get invited to are free non ticketed events.

The draft policy lists a range of pre-approved events that councillors, the CEO and employees are entitled to attend without a need for any other approval. An approval process is set out for other events.

Statutory Environment

Section 5.90A of the Local Government Act 1995, states:

“5.90A. Policy for attendance at events

(1) In this section —

event includes the following —

(a) a concert;

(b) a conference;

(c) a function;

(d) a sporting event;

(e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*

(a) the provision of tickets to events; and

(b) payments in respect of attendance; and

(c) approval of attendance by the local government and criteria for approval; and

(d) any prescribed matter.

** Absolute majority required.*

(3) A local government may amend the policy.*

** Absolute majority required.*

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local government’s official website”.

Integrated Planning

➤ Strategic Community Plan

Key Goal 5 - Our leadership will be visionary, collaborative and accountable

Objective 5.2 - We maintain high standards of governance, accountability and transparency

Strategy 5.2.1 - Councillors provide strong and ethical leadership

Strategy 5.2.2 - Staff work in an ethical manner

Strategy 5.2.8 - Ensure all legislative responsibilities and requirements are met

➤ Corporate Business Plan – Nil

➤ Long Term Financial Plan – Nil

- Asset Management Plans – Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy Implications

The proposal recommends establishment of a new policy, consistent with the intent of the legalisation and the DLGSCI Guidelines and has been prepared to include reference to all Shire of Bridgetown-Greenbushes employees (not just the Chief Executive Officer) as permitted by the Guidelines.

Budget Implications - Nil

Whole of Life Accounting - Nil

Risk Management

Failure to adopt an “Attendance at Events” policy by Absolute Majority will place Council in breach of the amended *Local Government Act 1995*.

Voting Requirements – Absolute Majority

Council Decision Moved Cr Bookless, Seconded Cr Moore

C.04/0420 That Council adopt the ‘Attendance at Events and Functions’ Policy as shown in Attachment 4.

Absolute Majority 9/0

ITEM NO.	C.05/0420	FILE REF.	
SUBJECT	Participation in National Redress Scheme		
PROPONENT	Department of Local Government, Sport and Cultural Industries		
OFFICER	Chief Executive Officer		
DATE OF REPORT	20 April 2020		

Attachment 5 National Redress Scheme for Institutional Child Sexual Abuse
Local Government Information Paper

OFFICER RECOMMENDATION

That with respect to participation in the National Redress Scheme, Council:

- 1. Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;*
- 2. Notes that the Shire of Bridgetown-Greenbushes will not be included in the WA Government’s amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Bridgetown-Greenbushes makes a specific and formal decision to be included;*

3. *Endorses the participation of the Shire of Bridgetown-Greenbushes in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;*
4. *Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and*
5. *Notes that a confidential report will be provided to the Council, if a Redress application is received by the Shire of Bridgetown-Greenbushes.*

Summary/Purpose

This item is presented to Council to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Bridgetown-Greenbushes to participate in the National Redress Scheme;
- Formally consider endorsing the Shire of Bridgetown-Greenbushes' participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and hence the Shire of Bridgetown-Greenbushes) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme. The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme. The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the Commonwealth *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*, local governments may be considered a State Government institution.

A decision was made at the time of the WA Government joining the Scheme to exclude WA local governments from their participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agreed to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and

- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments will participate in the Scheme as a State Government institution, with the State responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks Council endorsement for the Shire of Bridgetown-Greenbushes' participation in the Scheme.

As an independent entity and for absolute clarity, it is necessary that the Shire of Bridgetown-Greenbushes formally indicates via a decision of Council, its intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration. The Shire of Bridgetown-Greenbushes will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Bridgetown-Greenbushes to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Bridgetown-Greenbushes formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Bridgetown-Greenbushes include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Bridgetown-Greenbushes having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant potential financial risk to the Shire of Bridgetown-Greenbushes.

Officer Comment

Detailed below is a list of considerations for Council in determining whether to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Bridgetown-Greenbushes will receive a Redress application. A Service Agreement will only be executed if the Shire of Bridgetown-Greenbushes receives a Redress application.

The Shire of Bridgetown-Greenbushes needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside many Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to the Local Government if / when an application is received

The local government will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make the local government aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Bridgetown-Greenbushes will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;

- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including local governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Bridgetown-Greenbushes' record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the State record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *the Act*.

5. Redress Decisions

Decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Bridgetown-Greenbushes do not have any influence on the decision made and there is no right of appeal.

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019). The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings (note the Shire President and CEO attended the February 2020 South West Zone Meeting in Nannup where a presentation was made);
- Responses to email and telephone enquiries from individual local governments.

The DLGSCI advises it was apparent from these consultations that local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

Local Government Insurance Services (LGIS) published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

Statutory Environment

If a local government agrees to join the Scheme it is required to adhere to legislative requirements set out in the Commonwealth *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

Integrated Planning

- Strategic Community Plan
 - Key Goal 5 – our leadership will be visionary, collaborative and accountable
 - Objective 5.2 – we maintain high standards of governance, accountability and transparency
 - Strategy 5.2.1 – councillors provide strong and ethical leadership
 - Strategy 5.2.3 – ensure organisational capability
 - Strategy 5.2.4 – maintain a strong customer focus
 - Strategy 5.2.6 – ensure the financial sustainability of the organisation
 - Strategy 5.2.8 – ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil

- Long Term Financial Plan - Nil
- Asset Management Plans – Not applicable
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications - Nil

Budget Implications

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

Whole of Life Accounting – Not applicable

Risk Management

The State's decision mitigates a significant financial risk to a participating local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Voting Requirements – Simple Majority

**Council Decision Moved Cr Wilson, Seconded Cr Quinby
C.05/0420 That with respect to participation in the National Redress Scheme, Council:**

- 1. Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2. Notes that the Shire of Bridgetown-Greenbushes will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire**

of Bridgetown-Greenbushes makes a specific and formal decision to be included;

- 3. Endorses the participation of the Shire of Bridgetown-Greenbushes in the National Redress Scheme as a State Government institution and included as part of the State Government’s declaration;**
- 4. Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and**
- 5. Notes that a confidential report will be provided to the Council, if a Redress application is received by the Shire of Bridgetown-Greenbushes.**

Carried 9/0

ITEM NO.	C.06/0420	FILE REF.	
SUBJECT	Amendments to COVID-19 Community Response Plan and 2020/21 Budget Framework		
PROPONENT	Council		
OFFICER	Chief Executive Officer		
DATE OF REPORT	21 April 2020		

OFFICER RECOMMENDATION

That Council amend its COVID-19 Community Response Plan and 2020/21 Budget Framework as follows:

- 1. Reword Initiative 4 to read: “Reduce penalty interest charges from 1 July 2020 for late payment of 2020/21 rates (including ESL) and any other prior rates arrears, from 11% to 5.5%, subject to the ratepayer entering into an approved payment plan for full payment of rates by 30 June 2021. Note if no payment plan is entered into by 31 December 2020 then interest of 11% is to apply”.*
- 2. Reword Initiative 12 to read: “Refund of annual health food premises surveillance fees for 2019/20 (note doesn’t include event stallholders)”.*
- 3. Reword Initiative 13 to read: “Waiving of annual health food premises surveillance fees for 2020/21 (note doesn’t include event stallholders)”.*

Summary/Purpose

Since Council’s endorsement of its COVID-19 Community Response Plan and 2020/21 Budget Framework some clarification is required on three of the initiatives contained in the Plan.

Background

Council, at a Special Meeting held on 6 April 2020 resolved:

SpC.01/0420b

- 1. That Council formally acknowledges the impacts both economically and socially that COVID-19 is having on its community.*

2. That Council endorses the Community Response Plan and 2020/21 Budget Framework document as shown in Attachment 4.
3. That the CEO presents a draft COVID-19 Financial Hardship Policy to the April 2020 ordinary meeting of Council.
4. That Council amends Policy F.6 – Purchasing to recognise an increase of the tender threshold to \$250,000 pending gazettal of proposed amendments to the Local Government (Functions and General) Regulations.
5. That Council amends Delegation F.5 – Tenders for Providing Goods & Services and Delegation F.9 – Acceptance of Tenders by changing the tender threshold of \$150,000 to \$250,000 (pending gazettal of proposed amendments to the Local Government (Functions and General) Regulations). [Absolute Majority required]
6. That Council amends Part 10 of Policy P.2 – Holiday Accommodation by changing the word “Council” to “local government” so that under existing delegated authority the CEO can determine applications under this part of the policy.
7. That Council suspends until 31 December 2020 activation of Policy F.11 – Collection of Outstanding Rates and Policy A.22 – Accrual of Annual Leave.
8. That in its imminent review of its Long Term Financial Plan and Corporate Business Plan Council consider bringing forward capital projects that drive economic stimulus, job creation and community benefit.

In the period since endorsement of the Plan work has commenced on implementing the immediate initiatives and this has led to a request for clarification of three of the initiatives.

Officer Comment

The three initiatives listed in the COVID-19 Community Response Plan and 2020/21 Budget Framework requiring clarification are:

4.	Reduce penalty interest charge for late payment of 2020/21 rates from 11% to 5.5%, subject to the ratepayer entering into an approved payment plan for full payment of rates by 30 June 2021. Note if no payment plan is entered into by 31 December 2020 then interest of 11% is to apply.
12.	Refund of annual health food premises registration and surveillance fees for 2019/20 (note doesn't include event stallholders).
13.	Waiving of annual health food premises registration and surveillance fees for 2020/21 (note doesn't include event stallholders).

With Initiative 4 it is recommended the wording be amended to state that all unpaid rates and ESL arrears (not just unpaid 2019/20 rates) be charged the lesser interest rate of 5.5% subject to the ratepayer entering into an approved payment plan for full payment of rates by 30 June 2021. With this intent the wording of this initiative would be changed to:

4.	Reduce penalty interest charges from 1 July 2020 for late payment of 2020/21 rates (including ESL) and any other prior rates arrears, from 11% to 5.5%, subject to the ratepayer entering into an approved payment plan for full payment of rates by 30 June 2021. Note if no payment plan is entered into by 31 December 2020 then interest of 11% is to apply.
----	--

With Initiative 12 the intent behind recommending refund of 2019/20 health food premises fees was that the annual surveillance inspection hadn't yet occurred and with the effects of COVID-19 such inspections were now unlikely to occur prior to 30 June 2020. However the wording of this initiative included the term "registration fees". Note those businesses already charged this fee have received that service as prior to a new food business commencing a health inspection occurs. It is therefore recommended that the wording be amended to reflect the original intent. Initiative 13 addresses the waiving of health food fees in 2020/21 and again it is recommended that only the surveillance fee be waived and any new food business commencing in 2020/21 would be charged the registration fee but together with existing food businesses not the annual surveillance fee. With this intent the wording of these initiatives would be changed to:

12.	Refund of annual health food premises surveillance fees for 2019/20 (note doesn't include event stallholders).
13.	Waiving of annual health food premises surveillance fees for 2020/21 (note doesn't include event stallholders).

Statutory Environment

Local Government Act 1995 and associated regulations

Integrated Planning

➤ Strategic Community Plan

Key Goal 1 – our economy will be strong, diverse and resilient

Objective 1.1 – A diverse economy that provides a range of business and employment opportunities

Strategy 1.1. – encourage long term growth in the district in order to retain and enhance services

Strategy 1.1.2 – develop and implement strategic plans and actions that attract economic development

Objective 1.2 – a proactive approach to business development

Strategy 1.2.2 – design and implement business retention strategies and initiatives for support of existing and potential new businesses

Strategy 1.2.3 – communicate and engage with the business community

Key Goal 5 – our leadership will be visionary, collaborative and accountable

Objective 5.1 – our community actively participates in civic life

Strategy 5.1.4 – people receive Shire information, services and opportunities according to their needs

Objective 5.2 – we maintain high standards of governance, accountability and transparency

Strategy 5.2.1 – councillors provide strong and ethical leadership

Strategy 5.2.3 – ensure organisational capability

Strategy 5.2.4 – maintain a strong customer focus

Strategy 5.2.6 – ensure the financial sustainability of the organisation

Strategy 5.2.8 – ensure all legislative responsibilities and requirements are met

- Corporate Business Plan - Nil
- Long Term Financial Plan – Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications - Nil

Budget Implications

The report presented to the Special Council meeting held on 6 April 2020 costed the contents of the COVID-19 Community Response Plan and 2020/21 Budget Framework at an estimated \$321,931 being \$21,723 in 2019/20 and \$300,208 in 2020/21.

The specific cost estimate for implementation of Initiative 4 in 2020/21 was \$15,000 and this factored in the charging of a reduced interest rate of 5.5% on all rates and ESL arrears as at 30 June 2020 (not just 2019/20 unpaid rates). Therefore the budget implication for amending the wording of this initiative is unchanged from that endorsed by Council on 6 April 2020.

The specific cost for implementing Initiatives 12 and 13 were \$5,781 in 2019/20 and \$5,781 in 2020/21. This cost estimate was based on refunding/waiving surveillance fees only. Whilst also refunding/waiving registration fees would cost less than \$500 each year it is recommended Council clarify that the registration fee will still be charged as there will be work incurred by the Environmental Health Officer in approving a new food business.

Whole of Life Accounting - Nil

Risk Management

Clarification on the wording of the three initiatives is being sought prior to extensive promotion of the COVID-19 Community Response Plan and 2020/21 Budget Framework so that clear communications can occur.

Voting Requirements – Absolute Majority

Council Decision Moved Cr Johnson, Seconded Cr Moore

C.06/0420 That Council amend its COVID-19 Community Response Plan and 2020/21 Budget Framework as follows:

- 1. Reword Initiative 4 to read: “Reduce penalty interest charges from 1 July 2020 for late payment of 2020/21 rates (including ESL) and any other prior rates arrears, from 11% to 5.5%, subject to the ratepayer entering into an approved payment plan for full payment of rates by 30 June 2021. Note if no payment plan is entered into by 31 December 2020 then interest of 11% is to apply”.**

2. **Reword Initiative 12 to read: “Refund of annual health food premises surveillance fees for 2019/20 (note doesn’t include event stallholders)”.**
3. **Reword Initiative 13 to read: “Waiving of annual health food premises surveillance fees for 2020/21 (note doesn’t include event stallholders)”.**

Absolute Majority 9/0

Cr Pratico declared an Impartiality Interest in Item C.07/0420 as he is a member of the Catterick Progress Association. Cr Pratico stated as a consequence, there may be a perception that his impartiality on the matter may be affected and declared he would consider this matter on its merits and vote accordingly.

ITEM NO.	C.07/0420	FILE REF.	413
SUBJECT	Disposal of Catterick Hall		
PROPONENT	Catterick Progress Association		
OFFICER	Chief Executive Officer		
DATE OF REPORT	22 April 2020		

OFFICER RECOMMENDATION:

That with respect to Reserve 19553 (Lot 11515 on Deposited Plan 153502):

1. *Council note that on 26 November 2019 the management order in favour of the Shire of Bridgetown-Greenbushes was cancelled and replaced with a management order in favour of the Catterick Progress Association Inc.*
2. *Council note that the improvements on Reserve 19553, being the Catterick Hall and incidental structures, are removed from the Shire’s asset register.*
3. *Council note that under Section 6.26(2) of the Local Government Act 1995 that the property is not rateable as it is situated on crown land held for a public purpose, being a hall site.*
4. *Council affirm that building maintenance and building operations, including payment or utilities, licenses and insurances, is the responsibility of the Catterick Progress Association.*
5. *Council consider any contributions towards building operation costs when assessing 2020/21 community grants, service agreements and other donations.*

Summary/Purpose

In 2014 Council agreed in-principle to transferring management of the reserve comprising the Catterick Hall to the Catterick Progress Association (CPA). This decision was the culmination of approximately 12 months discussions between the CPA and Shire about determining a formal management structure for the hall. After significant communication, assessing a number of management options, a preferred option was identified – being the transfer of vesting of the hall site from the Shire to the Catterick Progress Association.

It took over five years for the change of vesting to progress with the Department of Planning; Lands and Heritage on 26 November 2019 cancelling the existing (at that time) management order in favour of the Shire and creating a new management order in favour of the Catterick Progress Association Inc.

Advice of the change wasn't conveyed to the Shire until 12 March 2020.

In effect the change in management order transfers all ownership of the improvements on the land, being the Catterick Hall and incidental structures, from the Shire of Bridgetown-Greenbushes to the Catterick Progress Association Inc. With this ownership the responsibility for managing the facility, including meeting all costs such as utilities, insurances and licenses (i.e. music licenses) rests solely with the Catterick Progress Association Inc.

As the property is crown land and is used for public purposes (hall site) it is not rateable under Section 6.26(2) of the Local Government Act 1995.

Officer Comment

As explained above the change in management order of the land took a considerable period of time. As background this matter was initiated after advice received in 2013 from the then Department of Local Government (DLG) caused a review of how the Catterick Hall was managed. Although the reserve was vested in the Shire the hall was community managed by the Catterick Progress Association. The DLG advised that these arrangements weren't in accordance with the management of property requirements under the Local Government Act and a change to management practices was required. After considering options such as creating a hall management committee and leasing of the hall to the Catterick Progress Association, the preferred outcome of transferring the existing vesting and management order from the Shire of Bridgetown-Greenbushes to the Catterick Progress Association was determined. This option would clearly establish legally the Catterick Progress Association as the owner of the building and manager of the reserve (land) upon which it sits.

Discussions with the Catterick Progress Association regarding the management of the hall commenced in 2013. Initially there was a view by some of the Association's members that the Catterick Hall was not owned by the Shire but was instead owned by the CPA. Whilst at the time it was acknowledged that the hall was purchased in 1947 by the Catterick Progress Association for use as a public hall, the land upon which the hall is situated, Reserve 19553, was until 26 November 2019 a reserve vested in the Shire of Bridgetown-Greenbushes as a 'hall site'.

Advice by the then Department of Lands in 2014 was that a management order over a reserve could be held by a community or similar group provided that group is incorporated and its constitution includes perpetual succession. The Catterick Progress Association met those criteria and provided written confirmation to the Shire via letter dated 17 November 2014 that it was prepared to accept vesting and a management order for the reserve.

In August 2014 Council subsequently resolved:

C.11/0814 That Council agrees in-principle to the revocation of the current management order for Reserve 19553 (Catterick Hall) in favour of a management order being granted to the Catterick Progress Association.

Revocation of the existing management order and creation of a new management order in favour of the Catterick Progress Association clearly establishes legally the Catterick Progress Association as the owner of the building and manager of the reserve (land) upon which it sits.

In July 2019 queries were made with the Department of Planning; Lands and Heritage about the status of the proposal and it became clear that the process hadn't been completed. The CEO had further discussions with the Secretary of the Catterick Progress Association that confirmed its desire to progress the request for amendment to the vesting and management order for Reserve 19553.

An update was provided to Council's September 2019 meeting.

Statutory Environment

Section 6.26 of the Local Government Act deals with rateable land and sub-section (2)(a) states that land which is the property of the Crown and is being used or held for a public purpose is not rateable.

As the Catterick Progress Association met the criteria for a a body with objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature the disposition of the land (change in management order) was exempt from the "disposal of property" requirements of the Local government Act and Local Government (Functions and General) Regulations

Integrated Planning

- Strategic Community Plan
 - Key Goal 5 – our leadership will be visionary, collaborative and accountable
 - Objective 5.1 – our community actively participates in civic life
 - Objective 5.2 – we maintain high standards of governance, accountability and transparency
 - Strategy 5.2.1 – councillors provide strong and ethical leadership
 - Strategy 5.2.3 – ensure organisational capability
 - Strategy 5.2.4 – maintain a strong customer focus
 - Strategy 5.2.6 – ensure the financial sustainability of the organisation
 - Strategy 5.2.8 – ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil
- Long Term Financial Plan
 - The removal of the Catterick Hall from the Shire's asset register will be recognized in the Long Term Financial Plan, specifically removal of building maintenance, building operations and depreciation expenditure for the building.
- Asset Management Plans
 - The removal of the Catterick Hall from the Shire's asset register will be recognized in the Asset Management Plan.
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications - Nil

Budget Implications

There were no costs associated with transfer of the vesting of the Reserve.

In the 2019/20 budget expenditure of \$1,844 was provided for building maintenance of Catterick Hall, \$51 for music licenses, \$557 for insurances and \$84 for ESL levy. Depreciation of \$4,123 was also recognised in the budget.

In September 2019 Council resolved to incur \$600 unbudgeted expenditure to fund annual electrical charges for Catterick Hall. This decision wasn't to be seen as a precedent for future years.

Whole of Life Accounting

The transfer of the vesting of the hall removes the legal requirement for Council to take responsibility for insurances and building maintenance however the CPA could seek financial assistance from Council for these costs by applying for a service agreement and or community grant/s.

Risk Management

The catalyst for determining a suitable management structure or tenure for Catterick Hall was the actions of the Department of Local Government in 2013 raising concerns that some of the delegated functions of the Yornup Hall Management Committee were being undertaken by the Yornup Hall (Community) Committee and therefore represent a breach of the Local Government Act.

Council addressed the concerns raised by the Department of Local Government and put in place a management structure for the Yornup Hall that fully complies with the Local Government Act. Similar concerns with the management of the Catterick Hall were identified at the time and significant communication with the Catterick Progress Association occurred, leading to the recommendation to seek a change in vesting of the Reserve.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Moore

C.07/0420 That with respect to Reserve 19553 (Lot 11515 on Deposited Plan 153502):

- 1. Council note that on 26 November 2019 the management order in favour of the Shire of Bridgetown-Greenbushes was cancelled and replaced with a management order in favour of the Catterick Progress Association Inc.***
- 2. Council note that the improvements on Reserve 19553, being the Catterick Hall and incidental structures, are removed from the Shire's asset register.***
- 3. Council note that under Section 6.26(2) of the Local Government Act 1995 that the property is not rateable as it is situated on crown land held for a public purpose, being a hall site.***

4. Council affirm that building maintenance and building operations, including payment or utilities, licenses and insurances, is the responsibility of the Catterick Progress Association.

5. Council consider any contributions towards building operation costs when assessing 2020/21 community grants, service agreements and other donations.

Carried 9/0

ITEM NO.	C.08/0420	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	22 April 2020		

Attachment 6 Rolling Action Sheet

OFFICER RECOMMENDATION

That the information contained in the Rolling Action Sheet be noted.

Summary/Purpose

The presentation of the Rolling Action Sheet allows Councillors to be aware of the current status of Items/Projects that have not been finalised.

Background

The Rolling Action Sheet has been reviewed and forms an Attachment to this Agenda.

Statutory Environment – Nil

Integrated Planning

- Strategic Community Plan – Nil
- Corporate Business Plan – Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

Policy Implications – Not Applicable

Budget Implications – Not Applicable

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

Council Decision *Moved Cr Bookless, Seconded Cr Wilson*
C.08/0420 *That the information contained in the Rolling Action Sheet be noted.*

Carried 9/0

Corporate Services

ITEM NO.	C.09/0420	FILE REF.	192
SUBJECT	Information Statement		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	16 April 2020		

Attachment 7 Shire of Bridgetown-Greenbushes 2020 Information Statement

OFFICER RECOMMENDATION

That Council adopts the Shire of Bridgetown-Greenbushes 2020 Information Statement as presented in Attachment 7.

Summary/Purpose

To comply with requirements of the Freedom of Information Act 1992 (FOI Act) Council is required to adopt an Information Statement.

An internal review of the Shire's current Information Statement has been conducted and a revised document is presented to Council for endorsement.

Background

Council is required under Part 5 of the FOI Act to annually prepare and publish an up-to-date Information Statement. The last review of Council's Information Statement was undertaken in 2019 (adopted by Council April 2019).

Officer Comment

The content of information statements conveys information to the public about the agency's (Shire) operations, the kinds of documents it holds and the procedures for accessing them. The Shire has the discretion of publishing its Information Statement either as a standalone document or incorporated in its annual report. Section 94 of the FOI Act outlines the content required in the Information Statement.

A review of Council's current Information Statement has been undertaken to ensure all necessary information has been included as per Section 94 and that information is up-to-date. The 2020 Information Statement presented for Council's endorsement (Attachment 7) incorporates the following minor changes:

Page 2 – Introduction

In the second sentence of paragraph two 'April 2019' has been amended to 'April 2020'.

Reason for Amendment

To reflect the document was last reviewed and is current as at April 2020.

Page 2 – Shire Profile

In the first sentence of paragraph three '30 June 2018' has been amended to '30 June 2019' and '4,708' amended to '4,740'.

Reason for Amendment

Update population estimate and date to reflect the latest figures provided by the Australian Bureau of Statistics.

Page 4 – Committees of Council

The following committees have been deleted from the list of Committees of Council:

- Emergency Planning and Preparedness Advisory Committee
- Local Laws, Strategy, Policy & Organisation Development Standing Committee

The full list of Council working groups has been deleted.

Reason for Amendment

Update document to reflect the current list of Council Committees as established in October 2019. The list of working groups has been deleted as groups are called as and when required and do not have a definitive term.

Page 7 – Documents Held by the Shire of Bridgetown-Greenbushes

The following items have been added to the list of available documents:

- any register of gifts
- a report on a supplementary audit prepared under section 7.12AH(1)

The following items have been deleted from the list of available documents:

- any regulations prescribing rules of conduct of council members referred to in section 5.104 of the LG Act
- any contract under section 5.39 of the LG Act and any variation of such a contract

Reason for Amendment

Document updated to reflect changes made to Section 5.94 of the Local Government Act in 2019.

Page 8 – Freedom of Information Charges

In the sentence before the table of fees and charges 'April 2019' has been amended to 'April 2020'.

Reason for Amendment

The change represents that the fees and charges contained within the document were reviewed and are current as at April 2020.

Statutory Environment

Part 5 of the FOI Act requires Council to produce an Information Statement. Section 94 details the information that must be contained within the Information Statement

and Section 96 requires that an up-to-date statement is published at intervals of not more than 12 months.

The information required by Section 94 is as follows:

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - (ii) which kinds of documents can be purchased; and
 - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

Integrated Planning

- Strategic Community Plan
Key Goal 5: Our leadership will be visionary, collaborative and accountable
Objective 5.2: We maintain high standards of governance, accountability and transparency
Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy – Not applicable

Budget Implications – Not applicable

Whole of Life Accounting – Not applicable

Risk Management

Reviewing the contents of Council's Information Statement ensures that information being provided to the public is relevant and up-to-date. Council is bound by requirements of the FOI Act. Failure to review and update the Information Statement will increase the risk of Council being non-compliant with Section 96 of the FOI Act.

Voting Requirements – Simple Majority

***Council Decision Moved Cr Boyle, Seconded Cr Bookless
C.09/0420 That Council adopts the Shire of Bridgetown-Greenbushes 2020
Information Statement as presented in Attachment 7.***

Carried 9/0

ITEM NO.	C.10/0420	FILE REF.	167 & 203
SUBJECT	COVID-19 Financial Hardship Policy		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	21 April 2020		

Attachment 8 COVID-19 Financial Hardship Policy

OFFICER RECOMMENDATION

That Council adopt a new COVID-19 Financial Hardship Policy as presented in Attachment 8.

Summary/Purpose

To consider the adoption of a financial hardship policy for the collection of outstanding rates and service charges as a result of unprecedented challenges arising from the COVID-19 pandemic. The policy will ensure fair, equitable, consistent and dignified support to ratepayers suffering financial hardship as a result of COVID-19.

Background

The coronavirus COVID-19 pandemic has escalated world-wide over the last few months and has resulted in considerable and serious economic and social impacts on communities. The serious impact this pandemic is having on the whole community was recognised by Council at its Special Council meeting held 6 April 2020 with the adoption of a COVID-19 Community Response Plan. This plan incorporated a number of key actions and initiatives for the provision of support to residents, businesses and community groups.

Included in the COVID-19 Community Response Plan was the initiative to consider adoption of a COVID-19 Financial Hardship Policy. The objectives of the draft policy are to be:

- To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Bridgetown-Greenbushes recognises that these challenges will result in financial hardship for our ratepayers.
- To ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

Officer Comment

The Western Australian Local Government Association (WALGA) issued a template policy as a guide for Local Governments in relation to collection of rates. This template contained suggested wording for the development of a financial hardship policy in relation to the collection of rates and services charges during the COVID-19 pandemic.

WALGA's template policy has been reviewed and amended where necessary to suit the Shire of Bridgetown-Greenbushes' circumstances and ensure consistency with relevant initiatives contained in Council's COVID-19 Community Response Plan. A draft COVID-19 Financial Hardship Policy is now presented for Council's consideration and adoption.

Statutory Environment

The following section of the Local Government Act 1995 applies:

Section 6.49 - Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Integrated Planning

- Strategic Community Plan
 - Key Goal 5 – our leadership will be visionary, collaborative and accountable
 - Objective 5.1 – our community actively participates in civic life
 - Strategy 5.1.4 – people receive Shire information, services and opportunities according to their needs
 - Objective 5.2 – we maintain high standards of governance, accountability and transparency
 - Strategy 5.2.4 – maintain a strong customer focus
 - Strategy 5.2.6 – ensure the financial sustainability of the organisation
 - Strategy 5.2.7 – Council's policies and local laws are responsive to community needs
 - Strategy 5.2.8 – ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications

Council's existing policy F.11 – Collection of Outstanding Rates was suspended at its special meeting held 6 April 2020 to facilitate suspension of Council's debt recovery processes until 31 December 2020.

The draft COVID-19 Financial Hardship Policy if adopted will assist officers to ensure all ratepayers are treated fairly, equitably and consistently while providing dignified support to ratepayers when dealing with collection of rates and service charges.

Budget Implications

Providing flexible payment arrangements for ratepayers experiencing financial hardship as a result of COVID-19 will have a negative effect on Council's cash flow.

It is envisaged that Council will have reduced funds available for investment purposes resulting in reduced interest earnings. The 2020/2021 budget will include a reduced estimate for interest income.

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements – Simple Majority

**Council Decision Moved Cr Quinby, Seconded Cr Johnson
C.10/0420 That Council adopt a new COVID-19 Financial Hardship Policy as
presented in Attachment 8.**

Carried 9/0

ITEM NO.	C.11/0420	FILE REF.	124
SUBJECT	Short Term Lending Facility & Corporate Credit Card Program		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	17 April 2020		

OFFICER RECOMMENDATION

That Council:

1. Acknowledges the anticipated negative cash flow impacts as a result of COVID-19;
2. Makes application to the Western Australian Treasury Corporation to establish a Short Term Lending Facility with a maximum limit of \$500,000 for a term of three years. The purpose of the facility being to assist with negative cash flow impacts as a result of COVID-19;
3. Makes application to Westpac Banking Corporation for the establishment of a Corporate Credit Card Facility with a maximum limit of \$10,000; and
4. Authorises the CEO to complete all necessary documents required to effect the new facilities.

Summary/Purpose

Council is requested to consider the establishment of a Short Term Lending facility with Western Australian Treasury Corporation to assist with day to day cash flow impacts as a result of COVID-19. Following closure of the Commonwealth Bank branch in Bridgetown and the transfer of Council's banking services to Westpac Bank approval to establish a new corporate credit card facility with Westpac Bank in lieu of the Commonwealth Bank facility is also being requested.

Background

Council, when adopting the 1999/2000 Budget, made provision for an ongoing overdraft facility up to \$200,000 to accommodate the fluctuation in cash flows throughout the year, noting that any need is generally at the beginning of the financial year prior to the issuing of rate notices. This facility was established with Council's then banker the Commonwealth Bank.

A corporate credit card facility has also been in existence for over twenty years with the Commonwealth Bank.

In November 2019 the Commonwealth Bank closed its local branch in Bridgetown. To ensure a desired level of service it was determined that Council should bank with a bank that has a local branch presence. As a result of this determination a request for quotation for the provision of banking services was issued to the two banks with branches located in the Shire. Following the request for quotation process Westpac Bank was selected to provide banking services for the Shire of Bridgetown-Greenbushes. All necessary accounts have been established with Westpac Bank and services are progressively being transferred from the Commonwealth Bank.

Officer Comment

Consideration is now required for the transfer of the existing overdraft and corporate credit card facilities.

Overdraft Facility

When reviewing the need for an overdraft facility it was noted that the existing Commonwealth Bank overdraft facility had not been utilised for many years and the need to re-establish a bank overdraft with Council's new bankers would not be required.

Consideration however was given to the current economic climate as a result of the COVID-19 pandemic and the likely impact on Council's cash flow as a result of delayed receipts for rates and associated service charges. In considering this issue it is the officer's recommendation that a facility be established to assist with negative cash flow issues anticipated during the next two to three years.

All efforts will be made by officers to manage the cash flow in an effort to negate the need to utilise the facility. Only when all other avenues have been exhausted will the facility be accessed. Officers are however cognisant of the fact that payment of Council's accounts for goods and services received should occur in a timely manner to ensure business remains stimulated.

Officers compared two options available to assist with managing short term cash flow, being:

- Bank overdraft facility on Council's Municipal Fund account
- Short term lending facility via Western Australian Treasury Corporation (WATC)

The principle difference in operation of the two facilities is the overdraft is permanently linked to Council's cheque account and available for immediate draw down with no action required by officers whereas the short term lending facility

available via WATC would require officers to request a full or partial draw down 48 hours prior to funds being required. A drawdown of funds under the WATC facility can be for a minimum term of 1 day and a maximum of 12 months with the aggregate amount of all current drawdowns not exceeding the facility limit.

Costs associated with an overdraft facility include an annual line fee of \$1,000 and an interest charge on funds utilised (3.83%pa as at 26/11/2019) but there would be no establishment fee for the new facility with Council's current bankers. The short term lending facility via WATC has no establishment fee or annual line fee and interest on funds utilised would be as per the daily cash rate plus a 0.7% guarantee fee (0.95%pa as at 15/4/2020).

In 2014 Council entered into a Master Lending Agreement with Western Australian Treasury Corporation:

'C.05/0114 The Shire of Bridgetown-Greenbushes hereby resolves:

- 1. That the Shire of Bridgetown-Greenbushes enters into a Master Lending Agreement with Western Australian Treasury Corporation as per the document tabled at this meeting.*
- 2. To approve the affixation of the Common Seal of the Shire of Bridgetown-Greenbushes to the said Master Lending Agreement in the presence of the President and the Chief Executive Officer.*
- 3. That the Chief Executive Officer is authorized to sign schedule documents under the Master Lending Agreement, and give instructions thereunder, on behalf of the Shire of Bridgetown-Greenbushes.'*

The 2014 Master Lending Agreement includes the terms and conditions applicable to the provision of a short term lending facility. Officers are confident that short term cash flow requirements can be managed beyond a 48 hour period and given the reduced costs associated with the WATC short term lending facility it is being recommended to establish this facility in lieu of an overdraft on Council's Municipal Fund account.

Credit Card

Council is requested to authorise the establishment of a new corporate credit card facility with Westpac Bank with a total facility limit of \$10,000 in lieu of the current facility with Commonwealth Bank.

The current Commonwealth Bank facility includes a total facility limit of \$5,000 with the only cardholder being the CEO with a card limit of \$5,000. Council's current policy F.16 – Use of Corporate Credit Cards provides as follows:

"A maximum credit limit of \$10,000 is to be applied to the Chief Executive Officer's corporate credit card. The maximum credit limit (not to be greater than \$5,000) for any other employees approved by the Chief Executive Officer for holding of a corporate credit card is to be determined by the Chief Executive Officer based on an assessment of the type of transactions likely to be made by the employee."

An increase to \$10,000 for the new facility limit is being recommended to enable the Chief Executive Officer to approve the issuing of a corporate credit card when deemed necessary for operational reasons. The issuing and use of any new card will be in accordance with Council policy.

Statutory Environment

Section 6.20 of the Local Government Act provides:

- (1) Subject to this Act, a local government may —
 - (a) borrow or re-borrow money; or
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —
 - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.
- (3) A local government is not required to give local public notice under subsection (3) —
 - (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
 - (b) in such other circumstances as are prescribed.

In relation to Section 6.20(3) of the Act Regulation 20 of the Local Government (Financial Management) Regulation prescribes:

20. When local public notice not required for exercise of power to borrow (Act s. 6.20(2)(a))

- (1) *In this regulation —*

major variation means a variation in the terms of a loan or other financial accommodation which is —

- (a) a capitalisation of interest accruals; or
- (b) an increase in the term of the loan or other financial accommodation;

re-finance, in relation to a loan or other financial accommodation (the **existing loan**), means to borrow an amount (the **new loan**) which is, at the date of the new loan —

- (a) equal to the principal amount owing on the existing loan; or
- (b) not more than \$5 000 more or less than the principal amount owing on the existing loan,

for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.

- (2) *A local government is not required to give local public notice of a proposal to exercise a power to borrow where —*
- (a) *the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution); and*
 - (b) *the re-financing or continuation is not a major variation.*
- (3) *A local government is not required to give local public notice of a proposal to exercise a power to borrow where each of the following conditions is satisfied—*
- (a) *a decision to exercise the power is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;*
 - (b) *the local government considers that the borrowing is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;*
 - (c) *the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.*

The establishment of a new Short Term Lending Facility with Western Australian Treasury Corporation is a direct response to address anticipated cash flow issues as a result of the impact of the COVID-19 pandemic. A state of emergency was declared in Western Australian on 15 March 2020 in relation to the COVID-19 pandemic and remains in force. In accordance with Financial Management Regulation 20(3) establishment of the short term lending facility for this purpose will not require local public notice of the proposal.

Advice has been received that the increase in limit by \$5,000 of the new credit card facility is not considered a major variation in the financial accommodation. As such establishment of the new facility with Westpac Bank in lieu of the Commonwealth Bank facility will not require local public notice of the proposal.

Integrated Planning

- Strategic Community Plan
 - Key Goal 5: Our leadership will be visionary, collaborative and accountable
 - Objective 5.2: We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.6: Ensure the future financial sustainability of the Organisation
- Corporate Business Plan – Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Nil
- Workforce Plan – Not applicable

- Other Integrated Planning - Nil

Policy Implications

The approval for and use of corporate credit cards will be in accordance with Council policy F.16 – Use of Corporate Credit Cards.

Budget Implications

There are no initial or ongoing fees associated with the proposed facilities, however interest is charged on amounts drawn dependant on the timing of advances and subsequent repayments. Council's annual budget contains an allocation for interest expense.

Whole of Life Accounting – Not applicable

Risk Management

Risks associated with standby credit arrangements are mitigated by internal controls and Council policy.

Voting Requirements – Absolute Majority

Council Decision Moved Cr Moore, Seconded Cr Wilson

C.11/0420 That Council:

- 1. Acknowledges the anticipated negative cash flow impacts as a result of COVID-19;**
- 2. Makes application to the Western Australian Treasury Corporation to establish a Short Term Lending Facility with a maximum limit of \$500,000 for a term of three years. The purpose of the facility being to assist with negative cash flow impacts as a result of COVID-19;**
- 3. Makes application to Westpac Banking Corporation for the establishment of a Corporate Credit Card Facility with a maximum limit of \$10,000; and**
- 4. Authorises the CEO to complete all necessary documents required to effect the new facilities.**

Absolute Majority 9/0

ITEM NO.	C.12/0420	FILE REF.	131
SUBJECT	March 2020 Financial Activity Statements and List of Accounts Paid in March 2020		
OFFICER	Senior Finance Officer		
DATE OF REPORT	12 April 2020		

Attachment 9 March 2020 Financial Activity Statements
Attachment 10 List of Accounts Paid in March 2020

OFFICER RECOMMENDATIONS

1. That Council receives the March 2020 Financial Activity Statements as presented in Attachment 9.
2. That Council receives the List of Accounts Paid in March 2020 as presented in Attachment 10.

Summary/Purpose

Regulation 34 of the Local Government (*Financial Management*) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. Further, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal and trust funds, a list of those accounts paid in a month are to be presented to the council at the next ordinary meeting (see Reg 13 of the Regulations).

Background

In its monthly Financial Activity Statement a local government is to provide the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act;
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

Each of the Financial Activity Statements is to be accompanied by documents containing:

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the Local Government.

The information in a statement of financial activity may be shown:

- (a) according to nature and type classification;
- (b) by program; or
- (c) by business unit.

The Financial Activity Statement and accompanying documents referred to in sub-regulation 34(2) are to be:

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

Statutory Environment

Section 6.4 (Financial Report) and Section 6.8 (Expenditure from municipal fund not included in annual budget) of the Local Government Act 1995, and Regulations 13 (List of Accounts) and 34 (Financial activity statement report) of the Local Government (*Financial Management*) Regulations 1996 apply.

Integrated Planning

- Strategic Community Plan 2019
 - Key Goal 5: Our leadership will be visionary, collaborative and accountable
 - Objective 5.2: We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan – Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy Implications

F.6. Purchasing Policy - To ensure purchasing is undertaken in an efficient, effective, economical and sustainable manner that provides transparency and accountability.

F.7. Reporting Forecast Budget Variations Policy - To set a level of reporting detail (in Financial Activity Statement) that ensures that the council is satisfied with the implementation of its annual budget.

Budget Implications

Expenditure incurred in March 2020 and presented in the list of accounts paid, was allocated in the 2019/20 Budget as amended.

Whole of Life Accounting – Not applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

Council Decision Moved Cr Wilson, Bookless

C.12/0420

- 1. That Council receives the March 2020 Financial Activity Statements as presented in Attachment 9.**
- 2. That Council receives the List of Accounts Paid in March 2020 as presented in Attachment 10.**

Carried 9/0

Development & Infrastructure

ITEM NO.	C.13/0420	FILE REF.	A45139
SUBJECT	Proposed Overheight Earthworks (Policy Variation)		
LANDOWNER	Meagan Maher		
LOCATION	Lot 32 (11) Dexter Rise, Bridgetown		
OFFICER	Manager Planning		
DATE OF REPORT	17 April 2020		

Attachment 11	Location Plan
Attachment 12	Landowner's Submission
Attachment 13	Proposed Plans

OFFICER RECOMMENDATION

That Council noting that no submissions were received, pursuant to Clause 7.6.4 under Town Planning Scheme No. 4 waives the provisions of the Cut & Fill Policy and grants development approval for the proposed overheight earthworks on Lot 31 (11) Dexter Rise, Bridgetown as per Attachment 13, subject to the following conditions:

- 1. Fill is not to exceed 2.3 metres for the future garage at any given point on the site relative to the original natural ground levels and the top level of the fill is not to exceed 3.5 metres from the base of the fill.*
- 2. Fill is not to exceed 2.5 metres for the future workshop at any given point on the site relative to the original natural ground levels and the top level of the fill is not to exceed 3.8 metres from the base of the fill.*
- 3. All exposed fill embankments are to be stabilised to prevent erosion using retaining walls or landscaping, with a post-landscaping plan detailing the type and location of planting, to be submitted to the Shire once completed.*
- 4. Where a retaining wall or landscaping is required for the purposes of managing fill post construction of the building, an 'earthworks bond' of \$600 shall be lodged prior to the issue of a building permit.*
- 5. Topsoil is to be stripped separately and stockpiled on site, to be re-spread during landscaping.*
- 6. Access tracks are to be located in such a manner as to minimise the required earthworks.*

7. *Water discharge from the site during development is to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site.*
8. *Where a structure is to be constructed partially on cut and partially on fill, the excavated material is to be placed outside the building area to form batters and embankments and the platform is to be filled with sand. As an alternative, pile and beam foundations into natural uncut ground in the fill area are acceptable.*
9. *Where an unprotected embankment is proposed no retaining will be required where it is in accordance with BCA Volume 2 Part 3.1.1 – Earthworks.*

Summary/Purpose

To consider a development application for proposed overheight earthworks for two future outbuildings on Lot 31 (11) Dexter Rise, Bridgetown as a variation to the Shire's Cut & Fill Policy. Noting that no submissions from surrounding landowners were received, it is recommended that Council waive the Shire's Cut & Fill Policy and grant development approval subject to conditions.

Background

A development application has been received for preliminary earthworks for two outbuildings on Lot 31 (11) Dexter Rise, Bridgetown. The land is zoned Special Rural SR6 under Town Planning Scheme No. 4 and has an area of 2.7282 hectares.

The site plan provided shows development of a dwelling on stumps, with a garage to the south and a small workshop to the north both requiring the proposed earthworks, with all future buildings to be located within the approved building envelope.

The property slopes significantly downwards from the front boundary towards the rear western boundary adjoining the Bunbury-Manjimup Railway Line reserve. The two areas of preliminary earthworks are in the most eastern portion of the building envelope where the slope of land is generally the least steep.

The future garage is to be constructed on a raised sand pad, with a finished ground level of 217.1 metres (being 100mm lower than the Finished Floor Level), with a proposed fill height of 2.3 metres relative the original natural ground level. The overall embankment is to have a height of 3.5 metres from the top to toe.

The future workshop is to be constructed on a raised sand pad, with a finished ground level of 217.2 metres (being 100mm lower than the Finished Floor Level), with a proposed fill height of 2.5 metres relative the original natural ground level. The overall embankment is to have a height of 3.8 metres from the top to toe.

Under the Shire's TP.7 Cut & Fill Policy, fill is not to exceed 2.0 metres in height to the natural ground level, with the embankment height (toe to top) not to exceed 3.5 metres. The proposed fill for the garage therefore exceeds the maximum height by 0.3 metres, and the proposed fill for the workshop exceeds the maximum height by 0.5 metres, plus an additional 0.3 metre overall embankment height.

The development application was received in late December 2019, with the original finished ground levels for both buildings being approximately 0.5 metres overheight, and with very steep batter slopes. The applicant was invited to modify the proposal or to seek a policy variation. Shire staff, the applicant and applicant's surveyor and earthworks contractor then met in February 2020 to consider different options, with the finished ground levels slightly reduced and batter slope angles increased, as per the proposal presented to Council for consideration.

Officer Comment

The applicant provided a written submission (see Attachment 12) requesting support for the overheight earthworks, with the rationale to avoid potential storm water drainage issues by cutting further into the site. The applicant's intention is to firstly construct the two outbuildings on the proposed earthworks, then later the house on stumps at the same finished floor level.

The application was referred to landowners of five surrounding properties, with the submission period closing on 26 March 2020, however no submissions were received.

Lowering the proposed fill heights by 0.3 metres and 0.5 metres respectively to achieve the 2.0 metre maximum is achievable however would require additional cutting and a slightly steeper driveway leading to the future buildings. No additional storm water management issues are anticipated however should Council require lowering of finished levels.

Considering the applicant's justification, only small portions of the proposed finished ground levels will be at 0.3 metres and 0.5 metres overheight, with the extent of earthworks for each outbuilding considered modest in area when compared to earthworks for a single house.

Shire staff declare that the recommendation has been made noting the merits of the proposal and does not set a precedent for similar developments within the Four Seasons Estate or elsewhere in the Shire. Importantly, granting of development approval does not authorise the proposed earthworks with a separate building permit to be sought and granted by the Shire.

Given the merits of the application, noting the topographical issues affecting the site, the proposed overheight fill is not expected to have an adverse effect upon the rural amenity of the surrounding properties or the wider locality. Noting that no submissions were received by surrounding landowners, it is therefore recommended that the Cut & Fill Policy be waived in this case and approval be granted subject to conditions.

Statutory Environment

- Town Planning Scheme No. 4

Clause 4.5 states *“Council’s Objective is to ensure that the establishment of Special Rural Zones within the Scheme area will provide for adequate accessibility and proximity to the District’s Urban Areas and result in minimal detriment to the District’s agricultural production and rural landscape.”*

The proposed overheight earthworks will not have a detrimental impact upon the rural landscape, and therefore consistent with the above objective.

Clause 7.6.4 states “A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Approval but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”

Clause 7.6.5 states “In determining an application for Planning Approval, Council shall have regard to any Town Planning Policy adopted under the powers of this Scheme, and may impose conditions of approval in conformity with the requirements of that Policy.”

Council has discretion to waive any policy requirements where Council is satisfied that the provisions and objectives of the policy have been taken into account. It is recommended that the Cut & Fill Policy be waived in this case and approval be granted for the overheight fill subject to relevant conditions.

- Planning and Development (Local Planning Schemes) Regulations 2015 - Clause 67, Schedule 2 (Deemed Provisions)

Requirement	Comment
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	The proposed overheight is generally consistent with the objective of the Special Residential zone under Town Planning Scheme No. 4.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposed overheight fill is generally consistent with the orderly and proper planning of Town Planning Scheme No. 4. The draft Local Planning Strategy and Local Planning Scheme No. 6 is being prepared.
(c) any approved State planning policy;	SPP 3.7 Planning in Bushfire Prone Areas is not applicable. See below.
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(e) any policy of the Commission;	Guidelines for Planning in Bushfire Prone Areas can be waived is not applicable. See Below.
(f) any policy of the State;	Not applicable.
(g) any local planning policy for the Scheme area;	Cut & Fill Policy. See below.
(h) any structure plan, activity centre plan or local development plan that relates to the development;	Four Seasons Estate Structure Plan. Consistent.

(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.
(j) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(k) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	No detrimental impacts upon the surrounding land are anticipated.
(n) the amenity of the locality including the following: (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	No detrimental impacts upon the local environment, character of the locality or adjoining land are anticipated.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	No detrimental impacts upon the local environment or water resources are anticipated.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Landscaping of the raised embankment required as per Cut & Fill Policy. See below.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	See bushfire risk issues above. Whilst the land is steep there is no evidence of soil erosion or landslip. No watercourses in proximity or obvious risk of flooding.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety.	Not applicable.

(s) the adequacy of: (i) the proposed means of access to and egress from the site, and (ii) arrangements for the loading, unloading, maneuvering and parking of vehicles;	Access to the property via the existing road network and proposed internal driveway is adequate.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	Additional traffic levels for the future residential dwelling will be acceptable.
(u) the availability and adequacy for the development of the following: (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with a disability;	Mains power and reticulated water available. No end of trip facilities or other access issues applicable.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Nil.
(w) the history of the site where the development is to be located;	Not applicable.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Nil.
(y) any submissions received on the application;	No submissions received.
(za) the comments or submissions received from any authority consulted under clause 66.	Not applicable.
(zb) any other planning consideration the local government considers appropriate.	Nil.

Part 10A Bushfire Risk

Pursuant to Part 10A of the Planning and Development (Local Planning Scheme) Regulations 2015, a BAL Assessment is required prior to the approval of the construction and use of a habitable building within a bushfire prone area, and relevant conditions applied.

Whilst portions of the subject land are within the designated bushfire prone area, the proposed development site is not in the bushfire prone area. Notwithstanding the

proposal only relates to earthworks for future outbuildings, so assessment pursuant to SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas is therefore not applicable.

Integrated Planning

- Strategic Community Plan 2019
 - Key Goal 1: Our economy will be strong, diverse and resilient
 - Objective 1.2 A proactive approach to business development
 - Strategy 1.2.1 Embrace a “can do” approach to development

 - Key Goal 2: Our natural environment is valued, conserved and enjoyed
 - Objective 2.6 Development is sympathetic to the landscape
 - Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

 - Key Goal 3: Our built environment is maintained, protected and enhanced
 - Objective 3.1 Maintained townsite heritage and character
 - Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities

 - Key Goal 5: Our leadership will be visionary, collaborative and accountable
 - Objective 5.1 Our community actively participates in civic life
 - Strategy 5.1.1 The community is involved in local decision making
 - Objective 5.2 We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.8 Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan – Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications

- State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

Whilst portions of the subject land are within the designated bushfire prone area, the proposed development site is not in the bushfire prone area. Notwithstanding the proposal only relates to earthworks for future outbuildings, so assessment pursuant to SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas is therefore not applicable.

- Shire of Bridgetown-Greenbushes TP.7 Cut & Fill Policy

The aim of the Shire of Bridgetown-Greenbushes Cut & Fill Policy is “*To preserve the natural topography of the Scheme Area by restricting the level of cut and fill development specifically on steep slopes.*”

Pursuant to Policy Requirement 3.4, fill is not to exceed 2.0 metres in height to the natural ground level, with the embankment height (toe to top) not to exceed 3.5 metres. The proposed fill for the garage therefore exceeds the maximum height by 0.3 metres and the fill for the workshop exceeds the maximum height by 0.5 metres, plus an additional 0.3 metre overall embankment height.

Given that only small portions of the proposed finished ground levels will be 0.3 metres and 0.5 metres overheight, and the extent of earthworks for each outbuilding considered modest, no detrimental impacts upon adjoining properties or broader landscape are anticipated.

Budget Implications

The applicable development application fee has been paid.

Whole of Life Accounting – Not applicable

Risk Management

No risks to the Shire, the landowner or adjoining property owners are evident should Council resolve to support the proposal. Should Council approve the application subject to conditions opposed by the applicant or should Council issue refusal to the development, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal.

Voting Requirements – Simple Majority

Council Decision Moved Cr Boyle, Seconded Cr Pratico

C.13/0420 That Council noting that no submissions were received, pursuant to Clause 7.6.4 under Town Planning Scheme No. 4 waives the provisions of the Cut & Fill Policy and grants development approval for the proposed overheight earthworks on Lot 31 (11) Dexter Rise, Bridgetown as per Attachment 13, subject to the following conditions:

- 1. Fill is not to exceed 2.3 metres for the future garage at any given point on the site relative to the original natural ground levels and the top level of the fill is not to exceed 3.5 metres from the base of the fill.***
- 2. Fill is not to exceed 2.5 metres for the future workshop at any given point on the site relative to the original natural ground levels and the top level of the fill is not to exceed 3.8 metres from the base of the fill.***
- 3. All exposed fill embankments are to be stabilised to prevent erosion using retaining walls or landscaping, with a post-landscaping plan detailing the type and location of planting, to be submitted to the Shire once completed.***

4. **Where a retaining wall or landscaping is required for the purposes of managing fill post construction of the building, an 'earthworks bond' of \$600 shall be lodged prior to the issue of a building permit.**
5. **Topsoil is to be stripped separately and stockpiled on site, to be re-spread during landscaping.**
6. **Access tracks are to be located in such a manner as to minimise the required earthworks.**
7. **Water discharge from the site during development is to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site.**
8. **Where a structure is to be constructed partially on cut and partially on fill, the excavated material is to be placed outside the building area to form batters and embankments and the platform is to be filled with sand. As an alternative, pile and beam foundations into natural uncut ground in the fill area are acceptable.**
9. **Where an unprotected embankment is proposed no retaining will be required where it is in accordance with BCA Volume 2 Part 3.1.1 – Earthworks.**

Carried 9/0

ITEM NO.	C.14/0420	FILE REF.	A33255
SUBJECT	Application for Retrospective Approval for Ancillary Accommodation (Conversion of Shed)		
LANDOWNERS	Keith and Janet Grimes		
LOCATION	Lot 7 (RSN 23) Democrat Close, Kangaroo Gully		
OFFICER	Manager Planning		
DATE OF REPORT	17 April 2020		

- Attachment 14 Location Plan
Attachment 15 Landowners' Submission/Photographs
Attachment 16 Proposed Plans

OFFICER RECOMMENDATION

That Council noting that no submissions were received, pursuant to Clause 7.6.4 under Town Planning Scheme No. 4 waives the Conversion of Sheds to Dwellings Policy and grants retrospective development approval for the conversion of a shed to ancillary accommodation on Lot 7 (RSN 23) Democrat Close, Kangaroo Gully, as per Attachment 16, subject to the following conditions:

1. *Retrospective approval is granted for the conversion of the existing outbuilding into ancillary accommodation, as shown on the approved plans.*
2. *The existing dwelling and ancillary accommodation must utilise a shared vehicular access from the road.*

3. *The ancillary accommodation is not to be rented, leased or sold or otherwise occupied by persons other than a relative(s) of the occupiers of the main dwelling.*
4. *Should the ancillary accommodation be no longer required for familial ancillary accommodation the building is to be removed or converted to a non-habitable space.*
5. *Provision being made for one car parking bay for use by the occupiers of the ancillary accommodation.*
6. *The appearance and style of the existing dwelling and ancillary accommodation building to be complementary.*
7. *No laundry facilities are permitted within the ancillary accommodation building.*
8. *Notification pursuant to section 70A of the Transfer of Land Act is to be registered on the Certificate of Title for the property, within 28 days from the date of this approval, advising prospective purchasers of the ancillary accommodation and restrictions of use.*

Summary/Purpose

To consider a development application seeking retrospective approval for conversion of a small outbuilding into ancillary accommodation on Lot 7 (RSN 23) Democrat Close, Kangaroo Gully. Noting that no submissions were received from surrounding landowners it is recommended that Council waive the Shire's Conversion of Sheds to Dwellings Policy and to grant retrospective approval for the application subject to conditions.

Background

A development application has been received seeking retrospective approval to use a small outbuilding already converted into ancillary accommodation on Lot 7 (RSN 23) Democrat Close, Kangaroo Gully.

The property is zoned Special Rural SR11 under Town Planning Scheme No. 4 (TPS4) and has an approximate area of 1.0596 hectares. Ancillary Accommodation is best classified as being incidental to the existing Single House, listed as a Permitted use within the SR11 zone.

The subject building is located towards the rear of the property, within the existing building envelope, and separated from the principal dwelling by 19 metres. The proposed ancillary accommodation has a small floor area of only 24.7m², and comprises a free form living, kitchenette and bedroom, plus a separate bathroom. The building is a timber and steel framed structure, with fibre cement wall sheets and custom orb metal roofing, of colours and materials complementing the existing dwelling.

The subject building was not originally constructed to satisfy the requirements of a habitable Class 1b building under the Building Code of Australia (BCA). A building permit application will also be required showing any necessary modifications to be consistent with the National Construction Code including the Building Code of Australia. It is understood that the ancillary accommodation is already connected to the reticulated water supply and to the onsite effluent disposal system.

The landowners provided a written submission (see Attachment 15) requesting support for the ancillary accommodation conversion, with the works undertaken by the previous landowners, with the current landowners seeking to formalise use of the building.

The application was referred for comment to landowners of six surrounding properties, with the submission period closing on 2 April 2020, however no submissions have been received.

Officer Comment

Under the Shire's 'TP.11 Conversion of Sheds to Dwellings Policy' Council has confirmed its position that the conversion of sheds to dwellings or dwellings based on a shed frame construction often results in substandard housing being provided and that this housing can be detrimental to the amenity of the area in which it is located. This issue is less significant however within a semi rural area such as the subject property, with existing vegetation screening and separation to other properties.

The current ancillary accommodation building is not visible from the street, located behind an existing large shed, although the building presents well and complements the existing dwelling (see photos in Attachment 15).

Shire staff declare that the recommendation has been made noting the merits of the proposal and does not set a precedent for similar developments within the Special Rural zone or elsewhere in the Shire. Importantly granting of development approval does not authorise occupation of the ancillary accommodation with formal building approval required to determine compliance with habitable building standards.

Given the merits of the application and location of the small building, the conversion of the outbuilding into ancillary accommodation does not appear to have had an adverse effect upon the rural amenity of the surrounding properties or the wider locality. Noting that no submissions were received from surrounding landowners, it is therefore recommended that the Conversion of Sheds to Dwelling Policy be waived in this case and retrospective development approval be granted subject to conditions.

Statutory Environment

- Town Planning Scheme No. 4

Clause 4.5 states *“Council’s Objective is to ensure that the establishment of Special Rural Zones within the Scheme area will provide for adequate accessibility and proximity to the District’s Urban Areas and result in minimal detriment to the District’s agricultural production and rural landscape.”*

The existing conversion of the building to ancillary accommodation appears not to have had a detrimental impact upon the rural landscape, and is therefore consistent with the above objective.

Clause 7.6.4 states *“A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Approval but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”*

Clause 7.6.5 states “In determining an application for Planning Approval, Council shall have regard to any Town Planning Policy adopted under the powers of this Scheme, and may impose conditions of approval in conformity with the requirements of that Policy.”

Council has discretion to waive any policy requirements where Council is satisfied that the provisions and objectives of the policy have been taken into account. It is recommended that the Conversion of Sheds to Dwelling Policy be waived in this case and approval be granted subject to conditions pursuant to the Ancillary Accommodation Policy.

- Planning and Development (Local Planning Schemes) Regulations 2015 - Clause 67, Schedule 2 (Deemed Provisions)

Requirement	Comment
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	The conversion of a shed to ancillary accommodation is generally consistent with the objective of the Special Rural SR19 zone under Town Planning Scheme No. 4.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The conversion of a shed to ancillary accommodation is generally consistent with the orderly and proper planning of Town Planning Scheme No. 4. The draft Local Planning Strategy and Local Planning Scheme No. 6 is being prepared.
(c) any approved State planning policy;	SPP 3.7 Planning in Bushfire Prone Areas is not applicable. See below.
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(e) any policy of the Commission;	Guidelines for Planning in Bushfire Prone Areas is not applicable. See below.
(f) any policy of the State;	Not applicable.
(g) any local planning policy for the Scheme area;	Ancillary Accommodation Policy and Conversion of Sheds to Dwellings Policy. See below.
(h) any structure plan, activity centre plan or local development plan that relates to the development;	Not applicable.
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.

(j) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(k) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The conversion of a shed to ancillary accommodation does not appear to have had any detrimental impacts upon surrounding land.
(n) the amenity of the locality including the following: (iv) environmental impacts of the development; (v) the character of the locality; (vi) social impacts of the development;	No detrimental impacts upon the environment, character or social values of the area are anticipated.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	No detrimental impacts upon the local environment or water resources are anticipated.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	No landscaping considered necessary.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	See comments above regarding bushfire risk. No evidence of soil erosion, landslip, etc.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety.	See bushfire risk issues above.
(s) the adequacy of: (iii) the proposed means of access to and egress from the site, and (iv) arrangements for the loading, unloading, maneuvering and parking of vehicles;	The proposed ancillary accommodation building is accessible via the existing crossover and driveway.

(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	Minimal additional traffic is anticipated.
(u) the availability and adequacy for the development of the following: (vi) public transport services; (vii) public utility services; (viii) storage, management and collection of waste; (ix) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (x) access by older people and people with a disability;	Connection is already used the onsite effluent disposal.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Nil.
(w) the history of the site where the development is to be located;	Not applicable.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Nil.
(y) any submissions received on the application;	No submissions received.
(za) the comments or submissions received from any authority consulted under clause 66.	Not applicable.
(zb) any other planning consideration the local government considers appropriate.	Nil.

Part 10A Bushfire Risk

Pursuant to Part 10A of the Planning and Development (Local Planning Scheme) Regulations 2015, a BAL Assessment is required prior to the approval of the construction and use of a habitable building within a bushfire prone area, and relevant conditions applied.

Whilst portions of the subject land are within the designated bushfire prone area, the proposed development site is not in the bushfire prone area. Assessment pursuant to SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas is therefore not applicable.

Integrated Planning

➤ Strategic Community Plan 2019

Key Goal 1: Our economy will be strong, diverse and resilient

Objective 1.2 A proactive approach to business development

Strategy 1.2.1 Embrace a “can do” approach to development

Key Goal 2: Our natural environment is valued, conserved and enjoyed

Objective 2.6 Development is sympathetic to the landscape

Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

Key Goal 3: Our built environment is maintained, protected and enhanced

Objective 3.1 Maintained townscape heritage and character

Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities

Key Goal 5: Our leadership will be visionary, collaborative and accountable

Objective 5.1 Our community actively participates in civic life

Strategy 5.1.1 The community is involved in local decision making

Objective 5.2 We maintain high standards of governance, accountability and transparency

Strategy 5.2.8 Ensure all legislative responsibilities and requirements are met

➤ Corporate Business Plan – Nil

➤ Long Term Financial Plan - Nil

➤ Asset Management Plans - Nil

➤ Workforce Plan - Nil

➤ Other Integrated Planning - Nil

Policy Implications

- State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

Whilst portions of the subject land are within the designated bushfire prone area, the proposed development site is not in the bushfire prone area, so assessment against SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas is exempt.

- Shire of Bridgetown-Greenbushes TP. 13 Ancillary Accommodation Policy

Under the Shire’s TP.13 Ancillary Accommodation Policy, ancillary accommodation means “*self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot*”.

Under Section 3 Requirements / Restrictions of Ancillary Accommodation, for the Special Rural Zone, an application is to be limited to a maximum floor area of 120m²; maximum separation of 20 metres to the principal dwelling; a maximum of two bedrooms, a dining room, a living room, a kitchen and ablutions; must share vehicular access; be of similar appearance and style to the main dwelling; not rented, leased, sold or occupied by persons other than a relative of the main dwelling occupants; and with a caveat registered on the Certificate of Title.

The application is consistent with the above requirements, with conditions recommended, including the registration of a caveat on the Certificate of Title.

- Shire of Bridgetown-Greenbushes TP.11 Conversion of Sheds to Dwellings Policy

Under the Shire's TP.11 Conversion of Sheds to Dwellings Policy Council has confirmed its position that the conversion of sheds to dwellings often results in substandard housing being provided and that this housing can be detrimental to the amenity of the area in which it is located.

Shed to dwelling conversions are not permitted by Council as such developments are often unsightly and present a poor appearance from adjoining streets and properties. The granting of approval of substandard residential development such as a shed conversion will likely result in increased opposition from landowners (particularly in a residential area) and thus Council has adopted the Policy for a blanket prohibition on such developments.

Given the location and modest size of the subject building, the existing converted ancillary accommodation has not had an adverse effect upon the rural amenity of the surrounding properties or the wider locality.

Budget Implications

The applicable development application fee has been paid.

Whole of Life Accounting – Not applicable

Risk Management

No risks to the Shire, the landowner or adjoining property owners are evident should Council resolve to support the proposal. Should Council approve the application subject to conditions opposed by the applicant or should Council issue refusal to the development, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal. Should Council refuse the application the unauthorised works would need to be modified or removed enforced through applicable regulations.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Mountford

C.14/0420 That Council noting that no submissions were received, pursuant to Clause 7.6.4 under Town Planning Scheme No. 4 waives the Conversion of Sheds to Dwellings Policy and grants retrospective development approval for the conversion of a shed to ancillary accommodation on Lot 7 (RSN 23)

Democrat Close, Kangaroo Gully, as per Attachment 16, subject to the following conditions:

- 1. Retrospective approval is granted for the conversion of the existing outbuilding into ancillary accommodation, as shown on the approved plans.**
- 2. The existing dwelling and ancillary accommodation must utilise a shared vehicular access from the road.**
- 3. The ancillary accommodation is not to be rented, leased or sold or otherwise occupied by persons other than a relative(s) of the occupiers of the main dwelling.**
- 4. Should the ancillary accommodation be no longer required for familial ancillary accommodation the building is to be removed or converted to a non-habitable space.**
- 5. Provision being made for one car parking bay for use by the occupiers of the ancillary accommodation.**
- 6. The appearance and style of the existing dwelling and ancillary accommodation building to be complementary.**
- 7. No laundry facilities are permitted within the ancillary accommodation building.**
- 8. Notification pursuant to section 70A of the Transfer of Land Act is to be registered on the Certificate of Title for the property, within 28 days from the date of this approval, advising prospective purchasers of the ancillary accommodation and restrictions of use.**

Carried 9/0

ITEM NO.	C.15/0420	FILE REF.	A51368
SUBJECT	Application for Retrospective Approval for Two Water Tanks (Setback Variations)		
LANDOWNERS	James (Jim) Codde and Elizabeth (Liz) Lloyd		
LOCATION	Lot 102 (15) Mottram Street, Bridgetown		
OFFICER	Manager Planning		
DATE OF REPORT	20 April 2020		

Attachment 17	Location Plan
Attachment 18	Neighbour's Submission
Attachment 19	Landowners' Submission/Photograph
Attachment 20	Proposed Plans

OFFICER RECOMMENDATION

That Council noting the neighbour's submission per Attachment 18, and the landowners' submission as per Attachment 19, and pursuant to Clause 3.4.8, Clause 4.5.1 and Clause 6.7.4 of Town Planning Scheme No. 3 and provisions of the Shire's Siting of Water Tanks Policy, grants retrospective development approval for the two water tanks with front and side setback variations, as per Attachment 204, on Lot 102 (15) Mottram Street, Bridgetown, subject to the following conditions:

- 1. Approval is granted for two water tanks each with a diameter of 3.55 metres and overall height of 2.825 metres, with reduced setbacks of 2.8 metres to the eastern front boundary and 2.1 metres to the northern side boundary, as shown on the approved plan. Any further setback variations will require a separate development approval.*
- 2. The eastern and northern sides of the water tanks are to be screened with vegetation using non-deciduous species capable of growing to not less than 2.5 metres in height, as shown on the approved plan, with screen planting undertaken within 42 days of this approval and the vegetation thereafter maintained.*

Summary/Purpose

To consider a development application seeking retrospective approval for two water tanks with front and side setback variations on Lot 102 (15) Mottram Street, Bridgetown. Noting the objection from one adjoining neighbour and justification provided by the landowners, it is recommended that retrospective development approval be granted subject to standard conditions including the planting of screen vegetation as proposed.

Background

A development application has been received seeking retrospective approval for the installation of two water tanks on Lot 102 (15) Mottram Street, Bridgetown. The two water tanks are setback only 2.8 metres from the front eastern boundary to Mottram Street, with the most northern tank setback only 2.1 metres from the northern side boundary, in lieu of the required setback of 7.5 metres.

The subject lot is zoned Rural under Town Planning Scheme No. 3 (TPS3), has an approximate area of 2.3178 hectares, and is within the Mattamattup Valley Subdivision Guide Plan Policy area.

Officer Comment

Shire staff became aware of the two water tanks when queries were raised in late 2019 by the owner of adjoining Lot 103 (9) Mottram Street, Bridgetown concerned about the apparent reduced setbacks, compliance and fair application of Shire policies. A site meeting between Shire staff and the landowners in early February 2020 revealed that the water tanks are setback only 2.8 metres from the eastern front boundary to Mottram Street, with the most northern tank setback only 2.1 metres from northern side boundary. The locations of both water tanks are therefore non-compliant with Clause 4.5.1 of TPS3 which requires a minimum 7.5 metre setback within the Rural zone.

The landowners were invited to lodge a development application seeking retrospective development approval for the non-compliant setback variations, with any details for vegetation screening requested as per the Shire's TP.21 Siting of Water Tanks Policy. Alternatively, the landowners were invited to relocate the water tanks to comply with the required 7.5 metre setbacks.

A development application was received on 18 February 2020 seeking retrospective approval for the water tanks and setback variations, with screen planting proposed along the eastern and northern sides of the tanks.

The landowners' submission (see Attachment 19) stated, in summary, that the water tanks were placed at the highest point of the land, in a similar location to an existing tank on the adjoining property, to gravity feed down to the house's garden in the event of a fire or power failure. Both tanks are coloured Pale Eucalyptus, situated within an orchard of pistachio trees, with proposed planting of 7 to 10 grevilleas around the northern and eastern sides of the tanks for additional screening.

The application was referred to the owners of adjoining properties on Mottram Street to the north (Lot 101), south (Lot 103) and east (Lot 234), with the submission period closing on 2 April 2020. One submission was received from the owner of Lot 103 (see Attachment 18), being the neighbour that raised the original concerns, objecting to the proposal. No submission was received from the landowners of two other affected properties.

The neighbour, in summary, objects to the granting of retrospective approval for both tanks as no justification has been given as to why the two poly tanks can not be emptied then relocated to be compliant, as both tanks significantly breach the required 7.5 metre setback. The neighbour also states that the lot to the north (being Lot 101) is currently for sale and any new owner would not have any input into the requested setback variation.

The subject tanks are approximately 100 metres north-east from the dwelling on the neighbour's property and approximately 110 metres from the new crossover entrance, and reasonably screened by existing vegetation on Lot 102. The visual impact of the proposed tanks on the adjoining neighbour is therefore considered to be negligible, however the neighbour's comment regarding re-positioning of the tanks and significant variation to the required setback is acknowledged.

The current owners of Lot 101 (to the north) did not make a submission, and should the property sell, any new purchasers would be easily be aware of the location of the two tanks.

When Shire staff met with the landowners the option to relocate the tanks onsite was discussed, however was not favoured by the landowners given the water supply in the tanks and the existing connection to internal water infrastructure. Whilst re-positioning of the two poly tanks is possible, given their modest size, colour and proposed screen planting, Shire staff do not consider that the tanks represent a significant detrimental impact upon the rural streetscape. No submissions were received from the landowners of the properties most affected by the position of the two water tanks, being vacant Lot 101 to the north and developed Lot 234 to the east. As such granting retrospective approval is recommended in this case.

Noting the above, Council has power to refuse the application if deemed appropriate having regard to the objectives under TPS3 and requirements of the Shire's Siting of Water Tanks Policy. Under the Policy, where approval is granted for a reduced setback, conditions are to be considered for planting of suitable screen vegetation between the tank and street and prohibition on use of reflective or light coloured materials for tank. Importantly, the conditions are to be considered and they are not mandatory. Whilst the Policy does not stipulate screening to a rear or side boundary, Council has the power to apply such a condition under Town Planning Scheme No. 3 if reasonable and necessary.

Notwithstanding the modest size and green colour of the two tanks, screening of the two tanks to Mottram Street and to the northern side boundary, as proposed by the landowners, is considered reasonable. Council could support the proposal with or without vegetation screening, or if not supported, the two tanks will need to be emptied of water and removed or relocated elsewhere on the property to comply with the required minimum 7.5 metre setback.

Given the merits of the application, the size and colour of the two water tanks, they do not appear to have a significant adverse impact upon the rural amenity of the surrounding properties, the streetscape or the wider locality. Noting the objection received, it is recommended that retrospective approval be granted for the two water tanks, subject to planting and maintenance of screen planting along the east and north of the tanks as shown on the proposed site plan.

Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3

Clause 3.4.8 of TPS3 provides Council with the power to waive or modify a scheme development requirement (except for development in respect of the Residential Design Codes). *"The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*

- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development of the locality or the inhabitants of the locality or upon the likely future development of the locality.”*

Clause 4.5 of TPS3 in relation to the Rural Zone states “*Council’s objective will be to retain the rural character of the zone in the interests of the town’s landscape and environment.*” Furthermore, under Clause 4.5.1 “*The minimum building setback from all boundaries shall be 15 metres except that council may at its discretion permit a building to be constructed closer to any boundary than 15 metres but not less than 7.5 metres.*”

Pursuant to Delegation Register P.2 – Setback Variations, the Rural zone setback is to be taken from the 7.5 metre minimum setback.

As discussed above, the two water tanks are setback only 2.8 metres to the eastern front boundary to Mottram Street, with the most northern tank setback only 2.1 metres to the northern side boundary, in lieu of the required 7.5 metre setbacks to both boundaries. Whilst the tanks does not appear to create any significant detrimental impact upon rural amenity, the unauthorised installation and setback variations may set an undesirable precedent and brings into question whether the orderly and proper planning process has been breached.

Noting the content of application and the neighbour’s objection, the planting of screen vegetation is considered reasonable in this case to ameliorate visual amenity impacts of surrounding properties or local area.

- Planning and Development (Local Planning Schemes) Regulations 2015 - Clause 67, Schedule 2 (Deemed Provisions)

Requirement	Comment
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	Noting the significant front and side setback variations, the two water tanks are generally consistent with the objective of the Rural zone under Town Planning Scheme No. 3.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	Noting the significant front and side setback variations, the two water tanks are generally consistent with the orderly and proper planning of Town Planning Scheme No. 3. The draft Local Planning Strategy is being prepared.
(c) any approved State planning policy;	SPP 3.7 Planning in Bushfire Prone Areas. Whilst the location of the two tanks is within the designated bushfire prone area, assessment against SPP 3.7 is exempt for these non-habitable structures.

(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(e) any policy of the Commission;	Guidelines for Planning in Bushfire Prone Areas. Whilst the location of the two tanks is within the designated bushfire prone area, assessment against the Guidelines is exempt for these non-habitable structures.
(f) any policy of the State;	Not applicable.
(g) any local planning policy for the Scheme area;	Siting of Water Tanks Policy. See below.
(h) any structure plan, activity centre plan or local development plan that relates to the development;	Mattamattup Valley Subdivision Guide Plan Policy. The land was subdivided in 2015 in accordance with the Policy.
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.
(j) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(k) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	No detrimental impacts upon the local area are anticipated subject to planting of screen vegetation.
(n) the amenity of the locality including the following: (vii) environmental impacts of the development; (viii) the character of the locality; (ix) social impacts of the development;	No detrimental impacts upon the local environment, character of the locality or adjoining land are anticipated, subject to planting of screen vegetation.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	No detrimental impacts upon the local environment or water resources are anticipated.

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Planting of screen vegetation to the east and north of the tanks is recommended.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	See comments above regarding bushfire risk. There is no evidence of soil erosion, flooding risk, noting the watercourse that traverses the western portion of the property.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety.	Acceptable.
(s) the adequacy of: (v) the proposed means of access to and egress from the site, and (vi) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Not applicable.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	Not applicable.
(u) the availability and adequacy for the development of the following: (xi) public transport services; (xii) public utility services; (xiii) storage, management and collection of waste; (xiv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (xv) access by older people and people with a disability;	Not applicable.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Not applicable.
(w) the history of the site where the development is to be located;	Not applicable.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	The subject water tanks do not have significant impacts upon the visual amenity of the local area, however screen planting as proposed by the landowners is considered reasonable in this case.
(y) any submissions received on the application;	One submission was received objecting to the proposal.

(za) the comments or submissions received from any authority consulted under clause 66.	Not applicable.
(zb) any other planning consideration the local government considers appropriate.	Not applicable.

Part 10A Bushfire Risk

Pursuant to Part 10A of the Planning and Development (Local Planning Scheme) Regulations 2015, a BAL Assessment is required prior to the approval of the construction and use of a habitable building within a bushfire prone area, and relevant conditions applied.

Whilst a portion of the subject land and development site is within the designated bushfire prone area, assessment against SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas is exempt for non-habitable structures.

Integrated Planning

➤ Strategic Community Plan 2019

Key Goal 1: Our economy will be strong, diverse and resilient

Objective 1.2 A proactive approach to business development

Strategy 1.2.1 Embrace a “can-do” approach to development

Key Goal 2: Our natural environment is valued, conserved and enjoyed

Objective 2.6 Development is sympathetic to the landscape

Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

Key Goal 3: Our built environment is maintained, protected and enhanced

Objective 3.1 Maintain townscape heritage and character

Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities

Key Goal 5: Our leadership will be visionary, collaborative and accountable

Objective 5.1 Our community actively participates in civic life

Strategy 5.1.1 The community is involved in local decision making

Strategy 5.1.4 People receive Shire information, services and opportunities according to their needs

The development application was referred to owners of three adjoining properties with an objection received from the owner of one property to the south, raising concerns about the reduced setback, lack of justification and impact upon future owner of Lot 101.

Noting the background, that relocation of the tanks is not preferred by the landowners, the two water tanks do not have a significant impact upon neighbours or local rural amenity, with screen planting proposed. Should Council not support the proposal the tanks will need to be emptied of water and either relocated elsewhere onsite or removed from the property.

- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy

- State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

Whilst a portion of the subject land and development site is within the designated bushfire prone area, assessment against SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas is exempt for non-habitable structures.

- Shire of Bridgetown-Greenbushes TP.21 Siting of Water Tanks Policy

The Siting of Water Tanks Policy can allow, where justifiable circumstances exist, the siting of water tanks outside of the identified setbacks or a building envelope through the development application process. Justifiable reasons may include topographical constraints and associated water pressure implications and/or cut/fill implications.

“Where approval is granted for a reduced setback or building envelope alteration to accommodate the siting of a water tank, conditions will be considered requiring the following:

- *planting of suitable screening vegetation between the tank and the street alignment; and*
- *prohibition on use of reflective or light coloured materials for tank.”*

Importantly, the conditions are to be considered and they are not mandatory. The need for screening vegetation between the tanks and Mottram Street is considered reasonable, notwithstanding the modest size and green colour of the two tanks. Council also has power under TPS3 to require vegetation screening between the water tank and the northern boundary as necessary and reasonable.

The subject tanks are approximately 100 metres north-east from the dwelling on the neighbour’s property and approximately 110 metres from the new crossover entrance, and well screened by existing vegetation on Lot 102. The visual impact of the proposed tanks on the adjoining neighbour is therefore considered to be negligible however the neighbour’s comment regarding re-positioning of the tanks and significant variation to the required setback is acknowledged. Any future purchasers of adjoining Lot 101 should be aware of the two tanks given their proximity to the front and side boundaries.

Budget Implications

The applicable development application fee has been paid.

Whole of Life Accounting – Not applicable

Risk Management

Should Council not support the proposal or impose conditions not to the satisfaction of the landowner a right of review appeal may be lodged with the State Administrative Tribunal, which may incur additional costs for staff time and possible legal representation.

Voting Requirements – Simple Majority

Council Decision Moved Cr Bookless, Seconded Cr Moore

C.15/0420 That Council noting the neighbour's submission per Attachment 18, and the landowners' submission as per Attachment 19, and pursuant to Clause 3.4.8, Clause 4.5.1 and Clause 6.7.4 of Town Planning Scheme No. 3 and provisions of the Shire's Siting of Water Tanks Policy, grants retrospective development approval for the two water tanks with front and side setback variations, as per Attachment 204, on Lot 102 (15) Mottram Street, Bridgetown, subject to the following conditions:

- 1. Approval is granted for two water tanks each with a diameter of 3.55 metres and overall height of 2.825 metres, with reduced setbacks of 2.8 metres to the eastern front boundary and 2.1 metres to the northern side boundary, as shown on the approved plan. Any further setback variations will require a separate development approval.***
- 2. The eastern and northern sides of the water tanks are to be screened with vegetation using non-deciduous species capable of growing to not less than 2.5 metres in height, as shown on the approved plan, with screen planting undertaken within 42 days of this approval and the vegetation thereafter maintained.***

Carried 9/0

ITEM NO.	C.16/0420	FILE REF.	767
SUBJECT	Amended Relocatable Storage Units Policy		
OFFICER	Manager Planning		
DATE OF REPORT	21 April 2020		

Attachment 21 Amended Relocatable Storage Units Policy (as advertised)

Attachment 22 Photos of Sea Container and Builder's Store

OFFICER RECOMMENDATION

That Council, noting that no public submissions were received, resolves not to amend TP.17 Relocatable Storage Units Policy as advertised, as per Attachment 21, and therefore does not exempt the use of such units for temporary storage of domestic items during dwelling construction.

Summary/Purpose

Council in February 2020 resolved to advertise a proposed amendment to the Shire's TP.17 Relocatable Storage Units Policy to exempt the temporary use of such units for storage of furniture and household effects where a building permit for a dwelling on the same lot has been submitted for approval.

The amended policy has been advertised for public comment however no submissions were received. The amended policy is presented to Council for further consideration however Shire staff do not recommend adopting the proposed amended policy in its current form.

Background

A Notice of Motion was moved by Cr Pratico and carried at the Ordinary Meeting of Council held on 28 February 2020 to modify Part 5 (Exemptions) of TP.17 Relocatable Storage Units Policy. The Motion sought to exempt from planning approval the temporary use of such units for storage of furniture and household effects where a building permit for a dwelling on the same lot has been submitted for approval, with the policy amendment to be advertised then any submissions presented to Council when considering final endorsement.

The reasons for the Notice of Motion put forward by Cr Pratico in February 2020 were as follows:

“Currently Policy TP.17 exempts the need for Planning Approval for placement of a relocatable storage unit is temporary in nature for storage of plant, machinery or building equipment on a building site where a building licence is current and construction is taking place.

It isn't uncommon for people in the process of building a house to be forced to downsize to smaller housing and this triggers a need for them to store furniture and household effects until their new house is ready to move into. If we are allowing a sea container (or other form of relocatable storage unit) to be sited on the house site for storage of building equipment without requiring approval then why wouldn't we allow the same for storage of personal items such as furniture? The impacts on amenity wouldn't be any greater.

I understand that as Policy TP.17 is a town planning scheme policy any proposed changes to the policy must be advertised. My motion has been worded so that this advertising can proceed immediately with any submissions coming back to Council when it is time to consider final adoption of the proposed amendment.”

Part 1 of the motion was amended, with Council resolving:

“C.02/0220 That Part 5 (Exemptions) of Policy ‘TP.17 Relocatable Storage Units’ be amended to read:

- 1. The Shire of Bridgetown-Greenbushes will not require planning approval where a relocatable storage unit is being used for the temporary storage of plant, machinery or building equipment on a building site or for furniture and household effects where a building licence for a dwelling on the same lot has been submitted for approval. A storage unit must not be placed on the property prior to the issue of a building licence and must be removed within 28 days upon completion of the construction or expiry of the building licence.*

Where a relocated storage unit is to be used on a permanent basis on a ‘Rural’ zoned property, outside of the Bridgetown townsite, approval is not required under Town Planning Scheme No. 4 if used for agricultural purposes or for urgent security of plant or equipment, subject to compliance with standard setbacks.

2. *That advertising of the above That advertising of the above policy amendment occur in accordance with the town planning schemes with any submissions to be presented to Council when considering final endorsement to the amendment.”*

Pursuant to the above resolution the amended Relocatable Storage Units Policy was advertised for public comment, with notices published in the Manjimup-Bridgetown Times and posted on the Shire’s website and noticeboards 25 March 2020. Written submissions were invited up to and including 16 April 2020 however no submissions or even queries were received.

Officer Comment

As presented to Council in February 2020, the TP.17 Relocatable Storage Units Policy was adopted in November 2011, replacing the former Sea Containers & Other Similar Relocatable Storage Units Policy.

Section 1 Introduction states *“The purpose of this policy is to regulate the use of relocatable storage units and establish guidelines for the assessment of proposals to place such units on land within the Shire of Bridgetown-Greenbushes, to ensure that they do no detract from the visual amenity of an area.”*

Section 2 Policy Statement states (in part) *“The use of relocated storage units may be an economical means of providing storage space with high level of security however due to the ‘industrial’ appearance and relatively large size of units such as sea containers, can detract from the visual amenity of an area. Such units are generally without architectural features such as pitched roofs or windows, they can appear to be out of place in a residential or semi-rural setting as they are inconsistent with general residential housing form.”*

It is clear therefore that the ongoing use of relocatable storage units within a residential environment is not supported due to potential impacts upon visual amenity. Shire staff tabled concerns to Council in February 2020, repeated below and supplemented with additional commentary.

On advice from the Chief Executive Officer, the original Notice of Motion was presented to Council in response to a landowner in the Highlands Estate who is still in the process of building a single house with a registered builder. The matter is yet to be resolved, with the landowners given until 31 May 2020 to remove the subject unit, by which time completion of their new dwelling is expected.

Unlike many local governments the Shire of Bridgetown-Greenbushes allows the construction of an outbuilding on a vacant property for storage of household items. Whilst Shire staff are mindful that some landowners may not be in a position to have an outbuilding constructed before the dwelling, other arrangements such as industrial self storage should be considered, rather than using a potentially unsightly relocatable unit.

Shire staff take a tolerant approach to use of relocatable storage units and support residents using such units for a few weeks when either moving in or out of a dwelling, even in zones where units are normally prohibited. Where permitted under the Policy, landowners are encouraged to seek development approval should they wish to use a relocatable storage unit on an ongoing basis, with appropriate conditions imposed as required.

Part 5 of the current Policy provides an exemption from approval where a relocatable unit (such as a sea container or lockable cabinet) is used for the temporary storage of plant, machinery or building equipment on a building site where a building permit is current and construction is taking place. Exemptions are also in place for use similar units on a rural property for agricultural purposes. Development approval can be sought in some zones (i.e Rural, Special Rural, Commercial, Industrial) for ongoing use of a relocatable storage unit, with appropriate conditions imposed.

Shire staff have generally observed however that registered builders do not use sea containers or other large relocatable structures to store materials or equipment, and commonly use smaller lockable cabinets (see photo in Attachment 22). Anecdotally, it is only owner-builders, and even then very rarely, that would use a larger unit for temporary storage of building equipment, tools and machinery on a building site.

The key wording in the current policy is where a building permit is current and construction is taking place (author's emphasis). The proposed amended policy would allow a relocatable unit to be brought onto a site when a building permit application has only been lodged and not even approved or construction commenced. A unit could then be brought onto the property before approval has been granted, and remain onsite for the term of construction, which could be anyway from 6 months to two years, or even longer if extensions are granted. As the Policy clearly demonstrates, these units are not aesthetic and their unregulated use for a significant period of time could have detrimental impacts on residential and rural amenity, and is not considered in accordance with orderly and proper planning.

The amended policy states that should the building permit application be refused the relocatable unit must be removed within 28 days of that decision. Shire staff are unlikely to be aware when a landowner brings a relocatable storage unit to site if exempt from approval. Once aware, Shire staff would likely then be required to enforce removal of such units from approved construction sites, or from properties without a building permit.

An alternative could be to amend the policy to allow development approval for the temporary use of a relocatable storage unit for storage of domestic items in normally prohibited zones of Residential, Residential Development, etc. The location and aesthetics of the unit could then be assessed as per the Policy requirements, and a timeframe and reasonable conditions imposed.

Importantly however, Clause 4.10 under Town Planning Scheme No. 3 and Clause 4.11.7 under Town Planning Scheme No. 4 prohibits use of second hand materials for visible structures in the Special Residential Zone, including the Highlands Estate and Four Seasons Estate for example. Approval could not be granted in those zones unless the scheme provisions are formally amended.

The amended policy states that a (being one) relocatable unit may be used for either plant, machinery or building equipment or for furniture and household effects (author's emphasis). So if a landowner brings a unit to site first that would strictly prohibit the builder from using any relocatable unit during construction of the dwelling. If the intent is to allow the builder and the landowner from using a temporary storage unit then the policy should be amended as such. Further review of the Policy may be warranted, and research can be undertaken with policies of surrounding local authorities investigated.

Noting the above and although no public submissions were received, it is recommended that the amended policy not be adopted. Should Council however wish to support adoption of the amended policy the following alternative resolution is provided:

That Council, noting that no submissions were received, pursuant to Schedule 2, Part 2, Clauses 4 and 5 of the Deemed Provisions in the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed with the amended TP.17 Relocatable Storage Units Policy, per Attachment 21, with the Chief Executive Officer to action any necessary publication.

In conclusion, although noting that no public submissions were received, the amended policy would allow generally unregulated temporary use of relocatable storage units, could have detrimental impacts on residential and rural amenity, and is not considered in accordance with orderly and proper planning.

Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3 and Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4

Alteration of an adopted Town Planning Scheme Policy must be progressed pursuant to Deemed Provisions under Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, providing the statutory power and procedure for amending or preparing a new planning policy.

“4. Procedure for making local planning policy

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

(a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —

(i) the subject and nature of the proposed policy; and

(ii) the objectives of the proposed policy; and

(iii) where the proposed policy may be inspected; and

(iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;

(b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;

(c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

(3) After the expiry of the period within which submissions may be made, the local government must —

(a) review the proposed policy in the light of any submissions made; and

- (b) resolve to —
- (i) proceed with the policy without modification; or
 - (ii) proceed with the policy with modification; or
 - (iii) not to proceed with the policy.

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

(5) A policy has effect on publication of a notice under subclause (4).

(6) The local government —

- (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of each of those local planning policies on the website of the local government.

5. Procedure for amending local planning policy

(1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.

(2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.”

Integrated Planning

➤ Strategic Community Plan 2019

Key Goal 1: Our economy will be strong, diverse and resilient

Objective 1.2 A proactive approach to business development

Strategy 1.2.1 Embrace a “can-do” approach to development

Key Goal 2: Our natural environment is valued, conserved and enjoyed

Objective 2.6 Development is sympathetic to the landscape

Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

Key Goal 3: Our built environment is maintained, protected and enhanced

Objective 3.1 Maintained townscape heritage and character

Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities

Key Goal 5 – Our leadership will be visionary, collaborative and accountable

Objective 5.2 – We maintain high standards of governance, accountability and transparency

Strategy 5.2.7 – Council’s policies and local laws are responsive to community needs

Although noting that no public submissions were received, the amended policy would allow generally unregulated temporary use of relocatable storage units, could

have detrimental impacts on residential and rural amenity, and is not considered in accordance with orderly and proper planning.

- Corporate Business Plan - Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

Policy Implications

The report relates directly to amending the Shire's TP.17 Relocatable Storage Units Policy TP.17.

Budget Implications

Should the amended policy be adopted then the cost of public advertising to notify is estimated to be \$400 and can be costed to normal advertising accounts contained within the budget.

Whole of Life Accounting – Not Applicable

Risk Management

Adoption of the amended policy and therefore allowing use of relocatable storage units for temporary storage of domestic effects without approval could have potential detrimental impacts upon residential or rural amenity. Ongoing review of the Shire's Policy Manual ensures that policies remain in keeping with community expectations, current trends and legal requirements.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Quinby

C.16/0420 That Council, noting that no public submissions were received, resolves to amend TP.17 Relocatable Storage Units Policy as advertised, as per Attachment 21, and therefore exempts the use of such units for temporary storage of domestic items during dwelling construction.

Carried 5/4

Crs Nicholas, Moore, Johnson and Bookless voted against the Motion

Reason for resolving contrary to the officer recommendation

The proposed amendment to exempt use of Relocatable Storage Units for temporary storage of domestic items was advertised for public comment and no submissions were received.

Community Services

ITEM NO.	C.17/0420	FILE REF.	453.1.1
SUBJECT	Blackwood River Foreshore Development		
PROPONENT	Council		
OFFICER	Manager Community Development		
DATE OF REPORT	April 2020		

Attachment 23 Certified design and costings for Blackwood River Foreshore Development – Rectory Walk and Shelter

OFFICER RECOMMENDATION

That Council:

- 1. Endorse the certified detailed designs and costings for the Blackwood River Foreshore Development Project – Rectory Walk and Shelter as at Attachment 23.*
- 2. Revise the detailed design and costings of the Blackwood River Foreshore Development Project - Boardwalk Area (without a replacement boardwalk).*
- 3. Endorse the demolition and removal of the damaged boardwalk.*
- 4. Increase expenditure in the operational account; Blackwood River Foreshore (GL PJ15) by decreasing the capital works account; Blackwood River Boardwalk (GL 10IN) by \$3,930 (ex GST) to cover the costs associated with the demolition and removal of the damaged boardwalk.*

Summary/Purpose

The recommendations seek to progress Council's commitment to upgrade the Blackwood River Foreshore Park. Councillors were advised of the impediments to replacing the boardwalk (and alternative options for redevelopment of this area) at the March Concept Forum. Subsequently the recommendations seek to endorse the detailed designs and costings for the Rectory Walk and Shelter elements of the project while revising the detailed design (and costings) for the redevelopment of the 'Boardwalk Area' element of the overall project.

Background

The Blackwood River Foreshore Project is one of the key projects identified in the Shire's Regional Growth Plan.

The overall Project is, essentially, an amalgamation of 2 distinct redevelopment components of the 13 hectare area. The Project commenced in July 2017 on receipt of funding to develop plans to upgrade the Old Rectory Walk. This Project was later expanded to include the reconstruction of the Boardwalk after it was damaged by flood waters for the second time.

In 2018 a consultant was engaged to develop concept and detailed design and cost estimates for the overall project. This included an Aboriginal Heritage Survey and a detailed land survey of the 13 hectare area from the pedestrian bridge in the east, to the end of the existing Old Rectory Walk in the west.

The concept plans were subject to community consultation which commenced in September 2018. Due to a 3 week extension the total consultation period lasted 8 weeks and concluded in November 2018. The concept designs were subsequently altered to reflect community feedback and then considered by Councillors at the February 2019 Concept Forum. Councillors indicated a total expenditure cap of \$500,000 for the project at that time.

Following the Concept Forum, and some minor adjustments to the concept plans, the plans were taken back to the community for a period of 4 weeks. The final version of the Concept Plan along with the Schedule of Submissions was then presented to Council in May 2019. The plans were adopted and Council determined to progress the project to detailed design and costings which are now presented (in part) for Council endorsement. While the detailed designs and costings were for the entire Project, this agenda report seeks endorsement of the “Rectory Walk and Shelter” component only due to issues affecting the Boardwalk element of the Project. These issues are documented in the Officer Comment section of this report.

Officer Comment

Recommendation 1 and 2

The ‘Rectory Walk and Shelter’ element of the project fulfills a high priority objective in the Warren Blackwood Regional Trails Master Plan which identifies the need to upgrade the Old Rectory Walk. Based on the detailed designs, the cost for the ‘Rectory Walk and Shelter’ redevelopment is \$338,389 (ex GST). The detailed designs have been certified and are construction ready (Attachment 23). The shelter location has been moved from the originally proposed location to ensure it sits above the 1 in 25 year flood line to mitigate potential flood damage to the shelter. In this new location the shelter also links the Old Rectory Walk with the proposed Carbonature Sculpture Park and the existing “From Life to Life” public art installation. This element of the project has been presented to relevant State Government ministers as a ‘shovel ready’ project which could be quickly funded should the State wish to invest in immediate economic stimulus projects in the region.

Based on the detailed designs, the cost of the ‘Boardwalk Area’ element of the project is \$462,573 (ex GST). However, this does include the costs associated with the replacement of the boardwalk which is not recommended for the following reasons:

- The likelihood of regular damage to the new boardwalk in the near future (given the infrastructure is located in an area that floods annually).
- The anticipated whole of life cycle cost implications associated with ongoing maintenance and repair of the boardwalk due to likely flood damage in future years.
- The costs associated with the construction of the boardwalk being greater than Council’s budget allocation.

It is therefore recommended that Council seek to revise the detailed design for the ‘Boardwalk Area’ element of the project to include:

- asphalt path leading to the pedestrian bridge
- an asphalt pathway leading to a picnic area (not picnic setting)

- an asphalt pathway leading to the eastern kayak launching steps
- revegetation of the the boardwalk area to address issues regarding silt
- rock pitched swale and drainage to compliment revegetation

The revised plan will include an updated overall costing for this section.

The cost of revising the detailed designs as recommended above is \$3,641 (ex GST) and can be funded from existing budget allocations (Walk Trails, Trails and Paths).

Recommendations 3 and 4

At the March 2020 Concept Forum, Councillors indicated support for the removal of the existing boardwalk, reviewing the detailed design to remove the replacement boardwalk and include the revegetation of the boardwalk area. The officer has liaised with contractors to provide quotes to remove the boardwalk. The cost associated with the removal of the damaged boardwalk is \$3,930 which will include the removal of the boardwalk walking platform, posts and cement footings and refilling of the post holes. If progressed before the first heavy rains begin, the area will be ready for revegetation and redevelopment once the area dries out during October and November 2020.

Once the detailed designs and cost estimates have been reviewed by the consultant to remove the replacement boardwalk, the plans can be taken back to community for feedback and fine tuning before progressing. Bridgetown Landcare will be consulted as part of the design process and to assist with the revegetation elements of the project.

Integrated Planning

➤ Strategic Community Plan

Key Goal 1: Our economy will be strong, diverse and resilient.

Objective 1.1: A diverse economy that provides a range of business and employment opportunities.

Strategy 1.1.8: Develop trails – culinary, art, walk, mountain bike, canoe and bridle.

Key Goal 2: Our natural environment is valued, conserved and enjoyed.

Objective 2.1: Value, protect and enhance our natural environment.

Strategy 2.1.4: Consider opportunities for greater recreational and commercial use of the Blackwood River.

➤ Corporate Business Plan

Action 1.1.8.2: Complete detailed planning and costing for the Old Rectory Loop Trail.

Action 2.1.4.1: Prepare a development concept plan for River Park and surrounds.

Action 2.1.4.2: Redesign and reconstruct the river boardwalk.

➤ Long Term Financial Plan

The Long Term Financial Plan incorporates the expenditure identified under the Corporate Business Plan.

➤ Asset Management Plans

As the infrastructure involved in the Project will be constructed on Shire managed land this infrastructure will be included in Councils Asset Management and Building Maintenance Plans on completion of the construction stage of the project.

➤ Workforce Plan

The detailed design stages of project planning include an assessment of the maintenance requirements to identify the whole of life cycle costings associated with infrastructure maintenance and the required workforce implications.

➤ Other Integrated Planning

- Local Trails Plan
- Sport and Recreation Plan

Budget Implications

Should Council endorse the recommendations it is proposed that expenditure will be increased in the Blackwood River Foreshore (GL PJ15) by \$3,930 by reducing the capital works account, Blackwood River Boardwalk (GL 10IN) to cover the costs associated with the removal of the damaged boardwalk. This transfer is required given that the removal of the boardwalk is not a capital works project and therefore the funds required to cover costs associated with the removal of the boardwalk need to be accessed from the operational budget.

The consultant's fee associated with revisiting the detailed design/costings of the Boardwalk Area component of the project is \$3,641 (ex GST) and can be funded from account 31RA, Walk Trails, Trails and Paths.

Whole of Life Accounting

During the planning and design stage of this project, an assessment of the maintenance requirements was undertaken which identified a number of issues associated with the replacement of the boardwalk. Subsequently this element of the project has been reviewed. The detailed design stages of project planning include an assessment of the maintenance requirements to identify the whole of life cycle costings associated with infrastructure maintenance and the required workforce implications.

Cultural Equity – Not Applicable

Risk Management

The recommendations mitigate Council's exposure to risk through a comprehensive planning process for infrastructure developments and reducing Council's financial commitment to maintain capital projects in the future.

Voting Requirements – Simple Majority

Council Decision Moved Cr Moore, Seconded Cr Wilson

C.17/0420 That Council:

- 1. Endorse the certified detailed designs and costings for the Blackwood River Foreshore Development Project – Rectory Walk and Shelter as at Attachment 23.**
- 2. Revise the detailed design and costings of the Blackwood River Foreshore Development Project - Boardwalk Area (without a replacement boardwalk).**
- 3. Endorse the demolition and removal of the damaged boardwalk.**
- 4. Increase expenditure in the operational account; Blackwood River Foreshore (GL PJ15) by decreasing the capital works account; Blackwood River Boardwalk (GL 10IN) by \$3,930 (ex GST) to cover the costs associated with the demolition and removal of the damaged boardwalk.**

Carried 9/0

Receival of Minutes from Management Committees – Nil

Urgent Business Approved by Decision - Nil

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice - Nil

Notice of Motions for Consideration at the Next Meeting - Nil

Matters Behind Closed Doors (Confidential Items) - Nil


Closure

The Presiding Member closed the Meeting 6.26pm

List of Attachments

Attachment	Item No.	Details
1	C.02/0420	Minutes of Special Meeting held 6 April 2020
2	C.03/0420	Draft 'Councillor Training/Conferences and Continuing Professional Development' Policy
3	C.04/0420	Local Government Operational Guideline – Attendance at Events Policy (December 2019)
4	C.04/0420	Draft 'Attendance at Events and Functions' Policy

5	C.05/0420	National Redress Scheme for Institutional Child Sexual Abuse Local Government Information Paper
6	C.08/0420	Rolling Action Sheet
7	C.09/0420	Shire of Bridgetown-Greenbushes 2020 Information Statement
8	C.10/0420	COVID-19 Financial Hardship Policy
9	C.12/0420	March 2020 Financial Activity Statements
10	C.12/0420	List of Accounts Paid in March 2020
11	C.13/0420	Location Plan
12	C.13/0420	Landowner's Submission
13	C.13/0420	Proposed Plans
14	C.14/0420	Location Plan
15	C.14/0420	Landowners' Submission/Photographs
16	C.14/0420	Proposed Plans
17	C.15/0420	Location Plan
18	C.15/0420	Neighbour's Submission
19	C.15/0420	Landowners' Submission/Photograph
20	C.15/0420	Proposed Plans
21	C.16/0420	Amended Relocatable Storage Units Policy (as advertised)
22	C.16/0420	Photos of Sea Container and Builder's Store
23	C.17/0420	Certified design and costings for Blackwood River Foreshore Development – Rectory Walk and Shelter

Minutes checked and authorised by T Clynch, CEO		1.5.20
--	---	--------

As Presiding Member, I certify that the Minutes of the Council Meeting held 30 April were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 28 May 2020.

..... 28 May 2020